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INTERESTING POLITICAL DISCUSSION.

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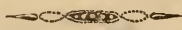
# THE DIPLOMATIC POLICY

OF

MR. MADISON UNVEILED.

IN A SERIES OF ESSAYS CONTAINING STRICTURES UPON THE LATE CORRESPONDENCE BETWEEN

MR. SMITH AND MR. JACKSON.



"The truest courage is discovered by a bold exposition of *your own faults*....It is the part of a vulgar mind to rail not only *without* but *against Evidence*."

BY A BOSTONIAN.

John Sewell

IT is proposed to examine, in a calm and dispassionate manner, without invective, and, as far as is practicable, without undue prepossessions, the very interesting measures of Mr. Madison's short Administration—Our observations and arguments will be addressed to that enlightend portion of the community, who examine before they decide;—who collect, combine and compare facts, before they draw inferences; and who habitually keep their passions in some degree of subordination to their understandings.

It will be seen by this introduction, that there are other classes of citizens to whom the following candid remarks, the result of close examination and honest and sedulous enquiry, are in no degree addressed:—Let all such men forbear to read what will only serve to confirm their prejudices and inflame their passions—for no observation is more correct than that where men have formed violent prepossessions upon slight or no foundations, those prejudices are only imbittered by strong and forcible arguments directed against such favourite opinions.—Those, therefore, who believe that our Administration is always in the right, and Great Britain always in the wrong; those who consider it a proof of hatred to one's own Country to shew that the existing and temporary rulers of it are hurrying it to its ruin;—and especially those who entertain the ungenerous and unmanly sentiment that every man who examines with *Candor* the conduct of a Foreign Nation, or of its Ministers, is either a partizan or a

pensioner of such nation; had better shut their eyes to these essays, at the very outset—for they will only tend to inflame their resentments by a firm and resolute exposure of their errors.

There are some, however, who are neither so candid or so enlightened as to be entirely open to conviction, and yet not so prejudiced as to be proof against its force—who had learned from sad experience to distrust the sincerity of Mr. Jefferson, and were therefore capable of discussing with closeness the nature of his measures:—Yet these same persons deem it unfair to examine, with the same degree of suspicion, the conduct of Mr. Madison.

A charitable sentiment towards this Gentleman, has acquired a wonderful influence, owing principally to the undeserved praise incautiously bestowed upon a measure little understood, and which, when thoroughly examined, will be found to merit a high degree of censure. The adjustment with G. Britain was a measure so gratifying to all the true lovers of their country, and of its peace, that without reflection, they were willing to bury all past recollection of Mr. Madison's conduct, and to believe that a statesman who had grown hoary in the cultivation of deep antipathies to Great Britain, who had staked his literary reputation (dearer to an author than Country or life) in favor of principles which rendered a sincere accommodation absolutely hopeless, had, by a sort of miracle, been converted by a feeble, diplomatick stripling of Great Britain, into a sincere friend to an honorable accommodation.

It was openly said that Mr. Madison always had been at heart a Federalist:—that *he* had never pledged *himself* to the system of eternal hatred to England which formed the most marked feature in the policy of his predecessor;—that the part which he had borne under that administration was only subordinate and *theatrical*; and that no opinion could be formed from that cause of his future measures.

Disgraceful as such a supposition was to his character, mean as must his conduct have been thus to have played the hypocrite or the slave, and false as his measures now prove this sentiment to have been; yet these opinions gained proselytes—and there have been moments in which Mr. Madison, for an act which will eventually destroy his reputation, might have obtained the suffrages of the degraded federalists.

Though the counteraction will eventually be as strong as the deception was complete, and deep indignation will succeed to momentary applause; yet, at *this moment*, the difficulties of a publick writer are materially increased.

Adapted to this state of things must be our course of procedure.—The Political History of Mr. Madison will be first and briefly discussed, in order to shew us what we had a right to expect of him, and to prove that hatred to Great Britain and attachment to French politicks were deeply rooted in his own character totally independent of his connection with Mr. Jefferson.



We shall then proceed to consider the arrangement with Mr. Erskine;—in which we shall examine the proofs of the imbecility of that young gentleman—the extraordinary course which was adopted of setting upon him all our ministers separately—the errors into which he was led and which produced the violation of his orders;—The measures the administration adopted to prevent Great Britain from acceding to the arrangement—the proofs that it was never *expected* the arrangement would be agreed to, and of course the evidence it affords of insincerity—the appointment of Mr. J. Q. Adams to the Court of one of the allies of Bonaparte and enemies of Great Britain, before the *rejection* of the arrangement was known, with a view as it will turn out, to form a coalition against Great Britain, or to combine in the means of resistance; a measure calculated to excite her jealousy, and to gratify Bonaparte—Under this head we shall notice also the conduct of Congress at the June session, and shew that it was a violation of the implied bargain with Mr. Erskine, and a departure from Mr. Madison's personal assurances to that Gentleman; and, lastly, the late course of Negotiation with France, which proves that the arrangement with Erskine was explained to Bonaparte as a measure which must fail, and that it was intended to widen the breach between us and England;—In this light Bonaparte received and approved of it.

Having taken this view of the arrangement with Erskine, we shall say a few words about the rejection of it by Great Britain, and the motives and grounds of that measure.

We shall then proceed to discuss the late negotiation with Mr. Jackson. In the progress of this discussion, we shall first consider the foundation of the charge against Mr. Jackson of having insulted our Government:—We shall endeavour to shew, that there has been no intimation on his part of any want of veracity in our administration—that upon the point on which the contradiction has been alledged to have existed no discordance whatever can be perceived—that he has not advanced any thing which is not admitted on the part of our administration; and that, so far from having aggravated his supposed insult, he purposely and delicately abstained in his last letter from repeating the allegation which was pretended to be offensive.

We shall then proceed to analyze the whole correspondence, and to shew that the charge of indecorum rests against Mr. Smith:—That his first letter to Mr. Jackson was a departure from those established rules of delicacy and decorum which invariable usage has rendered indispensable—that misrepresentations of Mr. Jackson's proposals, and an offensive adherence to them after he had explained them, are to be perceived throughout the whole correspondence. That instead of Mr. Jackson's intimating in the most remote degree any thing which was denied by our Government, they on the contrary have, in a most explicit manner, not only questioned his veracity, but have directly intimated that he had been guilty of falsehood.

We shall then attempt to shew the *real* causes of the rupture of the Negotiation—That they are to be found in the very able and perspicuous manner in which Mr. Jackson had apologized for his own government and had repelled the charges made against their sincerity—in the impossibility of continuing a negotiation in which every pretext for continued hostility was so perfectly removed—and in the danger to which the administration was exposed of having their views completely and unanswerably displayed. We are aware that in proving these propositions, not by argument merely, but by quotations from the correspondence, we shall expose ourselves to the hasty censures of those rash politicians who, regardless of the *high and ultimate* reputation of their country, of that reputation which posterity, uninfluenced by our momentary passions, will give to us, will stigmatize the writer as the advocate of our enemies.

We are aware that it is impossible to make the truth palatable, when the passions of our readers lead them to prefer deception ;—but the duty of attempting to inform is not the less imperious because it is painful and hazardous. Let the writer be sacrificed ;—let him be branded with all the epithets which inflamed and bigotted passions can invent ; the truth, however will remain unchangeable, and the day will certainly arrive, too late perhaps for our safety, too late certainly for the vindication of the writer, in which all honest and *enlightened* men will concur in the maintenance of his opinions. This may be deemed vanity : It deserves that censure, if to expect conviction from a cool and dispassionate display of facts, and an impartial course of reasoning is an indication of vanity.

The confidence felt by the author in his opinions arises from a conviction that he has thoroughly examined the late policy of our rulers ;—that he has proceeded no farther than he is supported by facts, the evidence of which he shall cite, and of which the publick may judge. He means to assume nothing but what he proves as he advances ; and he begs the publick to withdraw their belief of his statements whenever they are unsupported by the evidence. On the other hand, he invites and challenges all who may dissent from his opinions, to controvert the facts he may state, and the arguments he may deduce from them.

Happy will he be, if for the first time in moments of political excitement, the publick verdict shall be rendered in conformity to strict principles, and conceded evidence, uninfluenced by existing prejudices and unmanageable prepossessions:

Having dismissed the subject of our negotiations with Great Britain, he shall consider our despatches from France, and the manner in which they are submitted to the publick attention. He shall invite the most strenuous supporters of the Administration to defend this conduct of our Government in relation to France consistently with even a moderate degree, not of *Impartiality* (that has long ceased to exist) but of common honesty and fairness. He shall then deduce some strong arguments in support of his opinions of the insin-

cere views of our Administration towards Great Britain, from the unexampled tameness and partiality of their conduct towards France.

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No. II.

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*Mr. MADISON's character before he was elected President.*

BEFORE we endeavor to display to our readers one of the deepest, and most extraordinary political negotiations which our annals have recorded, a negotiation which establishes beyond a doubt a determination either to quarrel with Great Britain or to prevent a peace with her on *any* terms; it will be useful to consider whether we had a right to expect such conduct in Mr. Madison—whether it comports with, or is opposed to former views of his character.—This is extremely important both to him, and to us in forming a correct judgment of his measures—For if Mr. Madison has heretofore manifested an impartial and unbiassed disposition towards the two great Belligerents—if he has discovered a sincere wish to preserve a good understanding with Great Britain, and a proper spirit of indignation at the injuries of France, it would require pretty strong evidence before we could believe him capable of forming so deliberate a plan to force the former into an open rupture,—If on the other hand, his late conduct shall appear to be perfectly consistent with the former history of his life—if a state of ill humour and ill will towards Great Britain shall appear to have been the prevailing temperament of his mind, and especially if it shall turn out that he has acquired his influence with his own party, chiefly by fostering such prejudices, surely it will not be deemed uncharitable to consider the unwearied pains which have been taken to produce an irreconcilable rupture, as resulting from a fixed and premeditated plan.

Mr. Madison came into Congress in the year 1778—Our open alliance with France had just then taken place—The views, the ambitious and interested views which led the Cabinet of Versailles to adopt our cause, and which were so frankly acknowledged in Mr. Genet's instructions, were even at that early period discovered by the Delegates from the Eastern States. It was soon perceived that our independence was one of the last objects which entered into the policy of France—A separation from Great Britain accompanied by such weakness on our part as should render us dependent on herself was the extent of her good will towards us.

It would astonish those, who are ignorant of the intriguing policy of France to be informed, what was the fact, that this ally so full of professions, moved every wheel in the political machine to prevent our growth, and to check our solid independence.—To this end, she

early fomented a party in Congress—To this end she even intrigued with our common enemy—To this end she endeavoured to diminish our territorial claims—To this end she opposed the cession of the Fisheries to us—To this end in short she insisted that even our Independence should not be a *sine qua non* of a treaty.—But the most extraordinary part of this history is, that men could be found in our own councils ready to co-operate in the French views. It is however a fact, that there existed in Congress a *Gallican* and an *Anti-Gallican* interest—that the New England Delegates were without an exception, of the latter description, and that Mr. Madison and a formidable party belonged to the former—We do not mean to intimate actual corruption to which it is believed he was always superiour, but strong prepossessions—It is a fact that our ministers were instructed to *follow the advice of Mons. De Vergennes* in relation to a peace—that it was even debated whether the fisheries should be made an indispensable condition—and that an attempt was made to censure Mr. Adams and Mr. Jay, for the honourable peace which in spite of French intrigues they had effected.

Thus early and deeply seated in the marrow, were Mr. Madison's Gallick prejudices, and it surely cannot excite surprize that a man who in 1779 and 1780, could pause between the interests of the United States and the wishes of France, should in 1808 and 1809 glide over, nay almost gloss over the unexampled outrages of the same nation.

“With France, (says this Guardian of our rights when communicating to Congress the late insufferable letter of Champagne indicating his Majesty's unalterable will) with France the other belligerent, *the posture* of our affairs does not correspond with the measures taken on the part of the United States to effect a favourable change.”

But whether this is owing to *accident*, to the *failure of our despatches*, or to the insolent pretensions of France our Executive gives no intimation—Why? Because every man in the nation reads the speech of the President, while a comparatively small part will ever see the insulting letter of Mr. Champagne.

Such are the two extremes of Mr. Madison's political life—such was he in 1779—such we find him in 1809.—Let us now see how the intermediate series has been filled up. It is immaterial to the present discussion to consider his union with Mr. Hamilton and Mr. Jay in procuring the adoption of the Federal Constitution, and his subsequent desertion of the Federal Cause as soon as that Constitution went into operation.—It is only with regard to his opinions as to our *foreign* relations, that the history of Mr. Madison is important in the present discussion.

Upon the breaking out of the war between Great Britain and France, new and important duties and relations took place in the policy of the United States. General Washington resolved upon an Impartial Neutrality.—The party to which Mr. Madison has from that moment attached his fortunes, condemned that Neutrality.—



Mr. Madison was one of the most strenuous opposers of it, and he wrote a series of political speculations to render that measure unpopular.—When our difficulties with Great Britain assumed a serious aspect, Mr. Madison was among the foremost to widen the breach, and to censure the steps adopted by Washington to restore a friendly intercourse between us and Great Britain.—He brought forward in the House of Representatives certain resolutions to defeat the principal objects of the President, and we owe to the eloquence of Mr. Ames, and to the vigorous stand which the Inhabitants of Boston and of New-England generally, made to Mr. Madison's propositions, the preservation of our country from the horrors of war, and the unexampled blessings which have flowed from the prudent and wise conduct of our Illustrious President.

In this most critical period of our National affairs, we find Mr. Madison devoted to the policy of France, courting a contest with Great Britain, and ready to hazard our best Interests for the sake of his personal prepossessions.—What reason have we to expect, that a man who was in favour of an alliance with France in 1794, when we were so little able to engage in a contest with any nation, should not at this moment entertain the same views when our own strength is so materially improved, and when his old, his long continued favorites the French, increased beyond example in their power, are upon the point of accomplishing their views of universal dominion?

Mr. Madison, thwarted in his project of embarking the United States in the contest in favour of France, quitted the Government in disgust, not to retire as a private citizen to submit to measures which he could not controul, but to fan the embers of civil dissension in his native state.

We next find him in the legislature of Virginia, opposing the measures of Mr. Adams, and as *Chairman* of a Committee organizing the whole force of that Proud and Imperial State against the measures, the constitutional measures of Congress.—In this conduct also we discern his *foreign* prepossessions—Our country was then threatened with a war with France—To avoid the dangers to which we were exposed by French Emissaries, the Alien and Sedition laws were passed.—The whole scope and object of those laws was to rid our Nation of a set of Spies, with whom the Intriguing policy of France fills every country she wishes to subdue. Mr. Madison true to his first prejudices opposed these laws, though he well knew they were to operate only upon the publick enemies of our Country.

The success of the machinations of Mr. Madison and his party is too well known. The Gallick Interest triumphed over the Interests of the American people, and Mr. Madison for the last eight years has been enjoying the fruits of thirty years most assiduous labours.

The history of Mr. Jefferson's administration is one continued tissue of devotion to France and of hostility to Britain; perfectly indeed correspondent to the professions and to the means by which they acquired power, but as certainly destructive of the best interests of

the United States as well as subversive of the honest principles of an Impartial Neutrality.

Is Mr. Madison accountable as Secretary of State for this policy? Is he to be presumed a partaker in it?

Mr. Madison is a man independent in his circumstances—If he was not, no apology can be made for any man who would not only consent to hold an office under an administration which was pursuing measures opposed to his sentiments, but who would submit to be the immediate organ of such measures. Mr. Madison not content with his official duties, has volunteered in defence of the measures of Mr. Jefferson, and it will eventually appear that he was not the dupe or the obedient slave of Mr. Jefferson, but the principal instigator of those measures which without the slightest occasion have brought us to our present deplorable condition.

Such *has* been Mr. Madison. What he *is* we shall proceed to shew—but before I quit this subject, I must beg to be indulged in one or two remarks.

The great men in every democratick Government, but more especially in our own, however they may appear to *lead* must in effect *follow* the popular Impulse.—It was said by some indiscreet persons, that Mr. Madison might count on the support of the Federalists, and of a portion of *his own* party if he should adopt a truly honest and impartial policy. This is a mistake, and Mr. Madison knows better.—The history of M<sup>r</sup>. Kean and of Burr, and of Randolph, shews that there is no sort of compromise with democracy. They sacrifice without a struggle an *old* friend as they adopt a *new one*, like John Q. Adams, or if I may be allowed to name him in the same line, William Gray.—Democratick chiefs must follow, not dictate the measures of their dependents.

This cannot be more fully exemplified than in the late arrangement with Mr. Erskine. Was it an *honest* one? Was it serious? Why then not praised by the democrats? Why a studied and costive silence? Why a continuation of the abuse against Great Britain? When known to be rejected, why such manifest delight? Why the appearance of a triumph? Why the exultation as if the United States had gained a battle?

This subject I shall again recur to with more distinct application.

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### No. III.

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*Mr. ERSKINE'S Arrangement considered in its Origin, Progress and Issue.*

DIFFICULT as the path to permanent peace and reconciliation to Great Britain, appeared to be with such a temper as that of our

administration, *before* Mr. Erskine's arrangement, that unfortunate measure has not only superadded new embarrassments, but our ministers appear to be resolved to substitute it as a principal and an insurmountable obstacle.—They not only take credit to themselves for the proof which they *pretend* that measure afforded of their desire to conciliate Great Britain—but they adduce the rejection of that agreement as evidence, not merely of insincerity, but of perfidy.—In their late discussions with Mr. Jackson, abandoning their cautious policy, and secure as they thought themselves in the confidence of the people, whom they conceived they had managed, they adopted a high and offensive tone, ill calculated to restore a friendly intercourse—they repeated and persisted in direct insinuations of a dishonourable breach of faith, and declared that Great Britain still persevered insolent and inadmissible pretensions, notwithstanding the British envoy as repeatedly, in language the most unequivocal, denied that he was directed to persevere in any such pretensions.

Since then, in place of the dispute about the orders in Council, the questions of Impressment, of the Colonial trade, and of the Chesapeake, a new cause of contest has been conjured up, to which a still more serious air is attempted to be given. Those of us who are opposed to a war, unless it be necessary for our honour, and who think it possible that a set of men who have heretofore deceived us, may deceive us again, will think it prudent to examine to the very foundation, the late arrangement with Mr. Erskine, and see, whether it affords any additional just ground for dissatisfaction with Great Britain, and whether it does not offer new reasons to doubt the sincerity of our government.

Our ministers appear to place great reliance on the testimony of Mr. Erskine, who having once deceived them, and having betrayed an uncommon share of weakness, one would think they would deem little deserving of confidence. For my part, I consider this testimony very little relevant to the questions in dispute, *unless as it would seem* our Administration mean to rely on *two grounds*, so affrontive to the British Cabinet, as to shut the door forever to Negotiation. Those points are, 1st. That Mr. Canning fabricated or voluntarily misrepresented the three proposals which in his letter of the 23d of January, 1809, he states, he understood were either proposed by or were acceptable to our Cabinet—and, 2dly. That although Mr. Jackson, in behalf of the British ministry, solemnly, on the honour of his sovereign, declares that *there were no other Instructions* on this subject than those contained in the letter of Mr. Canning of January 23d, yet that in fact *other Instructions* did exist.

I repeat, and I beg the public to notice it, and weigh the *force of the remark*, that *it would seem* that the object and the only object of publishing Mr. Erskine's explanatory letters is to give rise to two opinions:—That Mr. Canning voluntarily misrepresented the dispatches of Mr. Erskine as to the three conditions; and that Mr.



Erskine had other Instructions than those which the British government declare were the only ones.

Now if a war is intended, and is considered desirable or inevitable, it may not be indecent in our government to make such suggestions; but if not, I can see no motive in publishing Mr. Erskine's letters, as they have no possible tendency but to excite unjust suspicions of the integrity of the British Cabinet.

Since, however, some importance is thus attached to the letters of Mr. Erskine,\* it will be well to consider his situation and the weight to which his testimony is entitled.—I say nothing at present of the manner in which these letters were obtained, nor of the suggestion in one of the Southern papers that they were first submitted to our ministers for their approbation; but I do maintain that Mr. Erskine's *own Interest*, owing to his misconduct, has become identified with the Interest of our Cabinet—that he is a party, and not a witness—he is a culprit convicted and punished by his own government—whose character as a statesman is completely destroyed in Great Britain, and whose only hope is to reconcile himself to the opposition in his own country and the American Government and People, to whom he is attached by the ties of property and marriage.

Mr. Erskine had represented to his own Government that our Administration were ready to accede to certain propositions.—When the authority arrived to close with those proposals, and when he found that the parties with whom he had treated denied or shrunk from the supposed agreement, how natural was it to endeavour to justify himself by qualifying the language he had used to his own Government, especially after it was ascertained that he had nothing further to hope from them, and might calculate on *some portion* of respect from our country, and from the minority in his own.

There was another part of his negotiation which equally tempted him to a representation favourable to the views of our Administration.—The violation of the letter and spirit of the Instructions of Mr. Canning of the 23d of January, was so glaring as to leave no hope of justification either to him or our ministers.—The only possible excuse was to suggest that there were *other* Instructions—His remarks on this head are vague and inexplicit.—*Other Instructions* he undoubtedly had, previously to this arrangement, because the subjects had been often discussed, and had been pending for several years—but all of them had been merged and buried in the orders of January 23d, which alone, as the British Government assure us, contained the whole authority on this particular topick.

Let distempered Jealousy exert its utmost powers, it can never persuade an impartial man, that Great Britain or any other nation, in the *act of disgracing a minister*, would dare to alledge, that he had violated his instructions, and that a particular letter contained the *whole of them*, when the *disgraced* minister, supported by powerful friends, was possessed of evidence to refute the charge. If such a monarch as Bonaparte, who silences the voice of complaint by confinement



in the Temple or the Castle of St. Margarita, could adopt such a course, the thing would be impracticable in Great Britain against a man of Noble Extraction—the son of a distinguished Peer, of a cidevant Chancellor—and the most eloquent man in the kingdom.

One other circumstance goes very much against the weight of Mr. Erskine's statements. As soon as the disavowal of his arrangement was known, an apology for him, feeble and defective enough to be sure, was published in the Gazette of the United States. It was soon understood, alledged, and never contradicted, to have been written by him. In that apology, full of censure against his own government, he does not pretend that he had any *other Instructions*, but he concludes with a threat, that shews he already conceived his own interest to be opposed to that of his government.—The intimation is, that he had settled the difficulties with this country, and that *those*, meaning his own masters, the British ministers, must look to it, who had stirred up a hornet's nest about their ears by disavowing his agreement. Such were his feelings before our government called upon him for his aid in exciting the publick resentment against his own country. If from these causes he was biassed in his statement, he would not be the first man who has done an unwise thing to prove himself a *prophet*.

Having made these preliminary remarks, let us now see how the *proposal* for the withdrawing our Non-Intercourse Laws and the British Orders originated. It will not be denied, that only Six Months previous to this event, Great Britain had peremptorily refused an offer made by Mr. Pinkney precisely like the agreement of Mr. Erskine.—It will not be denied, that the first authority, and as the British ministry contend, the *only* authority, ever given to Mr. Erskine on this subject, was contained in the letter of the 23d of January, which comprised three conditions, 1st. That we should continue our laws of Non Intercourse against France and her allies.—2dly. That we would relinquish such part of the Colonial Trade as we did not enjoy in time of peace.—3d. That we should by treaty permit the British ships (to do what they would have a right to do without) to capture all our ships *contravening this agreement*. It will not be denied, that neither of these conditions was complied with in the arrangement, and if *any other Nation* had been concerned but Great Britain, and especially if we ourselves were (in *pari casu*) similarly situated, we should entertain no doubt of the right to reject the convention.—But not content with abusing Great Britain for the exercise of a right rendered sacred by immemorial usage, and still more sacred by reason and justice, an attempt is made to convert these very conditions, these very Instructions, into a new offence.—It is said they are inadmissible:—It is said they are insolent—that they are an aggravation of previous injury.—This might pass if confined to those base journals who have infringed the sacred immunities of a publick minister, but they have also found their way into the recesses of the Cabinet.

Now I will meet the whole diplomattick host on this point with confidence.—Those Instructions convey no insult, considering the circumstances under which they were framed—They were inserted in a solemn letter from Mr. Canning to Mr. Erskine, which he was permitted to shew in extenso. It could not at that time certainly be foreseen that Erskine would break his Instructions, that a treaty would be formed, and that Great-Britain would be compelled to disavow it.—It was addressed to the *very man* who is said to have written to Mr. Canning that our Ministers had agreed to two of the Conditions—It must have been the height of impudence and folly in Mr. Canning to have stated to Erskine that he so understood him, if he had no authority for so saying—It was Erskine's duty, if he found Mr. Canning had misrepresented him, to have withheld the propositions, and to have rectified the mistake.

Grant, therefore, all that Erskine and all that our ministers with so much sophistry endeavour to explain. Grant, (which I do not admit) that Mr. Erskine misunderstood our ministers as to those conditions; still Mr. Canning was really deceived.—It is impossible, it is against all human probability, that he would have written to Mr. Erskine “that *he understood from him* that two out of the three conditions were agreed to by our ministers,” unless he verily believed it. There is an end then forever to the pretext of insult in these proposals. They were proper and respectful, because *believed to be our own*.—As to the third condition, pronounced the *most offensive*, it is alledged to have been agreed or assented to by Mr. Pinkney, and we see no evidence to counteract or control this suggestion.

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#### No. IV.

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### *The Origin, Progress and Issue of Mr. ERSKINE's Arrangement.*

WE have already shewn that this famous arrangement originated in several propositions stated by Mr. Erskine to be the result of certain conferences with the members of our cabinet; and that so far from being the cause of *new offence*, these propositions must have been presumed by Mr. Canning to have been acceptable to our ministers. To disprove this point, the members of our Cabinet have assailed the discontented and disgraced minister, Mr. Erskine, and have induced him to make some explanatory concessions. These concessions, published by our Government in their own vindication, must, according to all fair rules of construction, be considered most strictly against themselves; and we deduce from them most unequivocal proofs, that Mr. Canning had a right to draw the inferences which he has announced.

Mr. Erskine's letter of the 14th of August is brought forward as the apology of our Government, and as calculated to prove that Mr. Canning was not authorized to presume that our Government would accede to the three conditions stated in his letter of instructions. The contrary inference may most fairly be drawn from Mr. Erskine's letter. His letter consists of two distinct parts:—1st. His statement of what he had actually communicated to his own Government; and 2d. His declaration of what were his own *private impressions*, when drawn out by the denial of our ministers.

Upon the first condition, which imported that upon the repeal of the British Orders in Council, we would withdraw our Non-Inter-course as it respected Great Britain, and persevere in our Non-Inter-course with France and her allies, Mr. Erskine states, that Mr. Madison assured him that "the United States would *at once* side with that power *against* the other which might continue its aggressions."

Upon being pressed *now*, after the affair, to explain himself, he says, that he never considered this to be a preliminary condition, because he knew that the President had no such power without the concurrence of Congress.

This, it must be remembered, is Mr. Erskine's private opinion, *after the disavowal*, and is not stated to have been made known to his Cabinet. This distinction of Mr. Erskine, sophistical and absurd enough to be sure, is the same which Mr. Erskine set up in his own defence in the Gazette of the United States, where he says, that he *could not have* presumed that a *British Minister* was so ignorant of the American Constitution as to believe that the President had such a power.

This very argument proves that he *never stated* this distinction to his own Government, but presumed that they would understand it themselves. The whole of this reasoning is however bottomed upon an error; for as the President and Senate have a right to conclude Treaties, which ipso facto become the supreme law of the land, Congress are bound like all other *subjects* of this country, to carry them into execution.—This principle was settled in the case of Jay's treaty.

Upon the second condition, Mr. Erskine stated to his Government that Mr. Gallatin said, "that it was the intention of the United States to abandon the attempt to carry on a trade with the Colonies of the belligerents in time of war, which was not allowed in time of peace;" and the reason he assigns is conclusive evidence, that he understood Mr. Gallatin rightly;—for he adds, "that the United States would *trust* to their being permitted by France to carry on such trade in time of peace, as to entitle them to a continuance of it in time of war."

This is too plain to require any explanation; it includes the total cession of the colonial trade. This is what Mr. Erskine stated to his Government, and on this express idea is Mr. Canning's second proposal founded.



Four months after this, and after his disgrace, Mr. Erskine declares, that *he understood* by this, only the *direct colonial trade*; but this he did not state to Mr. Canning—and could Mr Canning divine it? *Might* not, indeed *did* not Mr. Canning suppose, that as our trade with the colonies of France was reduced by captures of the French islands, and actual blockade, to almost nothing, that our Cabinet were ready to relinquish it?

Thus it is proved, that the propositions made in Mr. Canning's letter of the 23d of January, 1809, so far from being insolent, were in fact founded upon what he had a right to presume were principles to which our ministers had acceded; and it is far from being proved that they did not give Mr. Erskine reason to believe that they did agree to them.

We shall now proceed to prove that the arrangement entered into with Mr. Erskine affords no proof of a wish on the part of our Cabinet to adjust our differences with Great Britain; but that it was rather expected that it would widen the breach.

1st. There was good reason to believe, at the moment of the arrangement, that he had not only acted without *full powers*, but that he had *violated his instructions*.

This point once established, and it being once conceded that our Government expected a disavowal, it is a proof of great insincerity, instead of a desire of preserving peace.

No point can be more fully settled than that a mere letter of credence, appointing a man a minister resident, or even plenipotentiary, does not of itself include the power to make a treaty.—Hence we find that when ministers plenipotentiary have made treaties, they have exchanged their full powers with the persons appointed to treat with them, although they themselves may have been resident at the Court of the sovereign with whom the treaty is made for several years.

This principle acquired additional force, and if usage had *not* sanctioned it, the particular circumstances in which Mr. Madison stood, would have afforded an ample apology for demanding Mr. Erskine's powers. Mr. Madison is an officer with limited power. This fact foreign nations are supposed, and indeed obliged to know. He was not empowered to restore the Intercourse with Britain, except on the condition of his Britannick Majesty's having *actually* withdrawn his Orders in Council. He might, however, have considered his Majesty's promise to withdraw them, on a day certain, as tantamount to an actual repeal;—but in such case, he had a right, nay, he was in duty bound, to call for the power of the Minister. Why was it not done? Because it was known, *we* say, not to exist.—The delicacy in this case was truly *affected*. Great Britain could not have taken offence at the demand of an authority, when that authority was indispensable to the exercise of Mr. Madison's power.

But the *actual conditions* of Mr. Erskine's instructions were known; and it was known that the arrangement *violated* them.

This is in proof.

1st. By Mr. Erskine's letter of the 29th April, to his own government, in which he states, that he had discussed the three conditions *verbatim et seriatim*, that is, word for word, and gives the replies of our ministers.

2d. By Mr. Smith's letter of the 19th of October last, in which he admits that the three conditions were known to him. And

3dly. By Mr. Erskine's explanatory letter, written at the request of our government, in which he says, "that in the discussions upon these conditions, he found no reason to believe, that any difficulties would occur in the accomplishment of the two former conditions, as far as it was in the power of the President of the United States to agree to the first, and consistently with the explanation which I had given of the last."

Thus then it seems, the conditions were in *fact known*; and if there existed *publick reasons*, arising from Mr. Madison's limited powers, to require an authority before he *abrogated*, by his fiat, an act of Congress, how much were these reasons increased, with how much more force they operated, when he was informed, that the British Minister was clogged with certain conditions, not *one of which* was conceded? If prudence would *before* have required a full exhibition of powers, how much were these motives increased by this disclosure of the *expectations* of the British Cabinet, and the CERTAINTY of their discontent with the terms actually agreed upon?

But a *nice* metaphysicall distinction is set up, rather calculated for the mob, than for the reasoning part of society, that the instructions of January 23d, from Mr. Canning, though known in *substance*, were not shewn in *extenso*; and a species of jockeying law is introduced, that it was possible there might be *provisional instructions* of a lower tone. The whole evidence is now before the publick; and it appears that the conditions were not merely the substance, they were the *whole* of Mr. Erskine's Instructions, and under the very limited authority of Mr. Madison it was his duty so to have presumed.

But I shall perhaps be asked, what motive could Mr. Madison have, knowing he was thus restricted, and knowing he was liable to punishment for violating a law of Congress, to make a convention which he presumed would not be ratified?

I have one answer to make, which will be amply sufficient, though I can give twenty:—

He knew that the party, on which alone he depended for support, would praise him for any act which would prevent an adjustment with Great Britain. He knew *more*, that any honest and fair arrangement with that nation, would be fatal to his popularity and power.

He was influenced in that case by the same motives which induced him to adopt the late more extraordinary step, of dismissing a British Envoy under a pretence of an insult, which never existed.

In both cases he was sure of, and he has received, much more sincere praise from his friends, than if he had closed with Mr. Jackson's

offer, and had conducted, as that gentleman is authorized to do, a final adjustment of all our differences.

That these suggestions are not the offspring of a jealous and fault-finding disposition, the publick will believe, when I come to consider the offensive measures adopted by our government, to prevent even the one-sided arrangement of Mr. Erskine from being accepted by the British Cabinet.

[See the Note to this paper, No. 4, in the *Appendix*.]

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## No. V.

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### *The Origin, Progress and Issue of Mr. ERSKINE'S Arrangement.*

IT has been shewn that this arrangement originated in proposals transmitted by Mr. Erskine *as from our own Government*:—That the instructions are formed upon a basis supposed to have been proposed by them:—That the convention itself affords no evidence of sincerity on the part of our administration, because it was concluded not only without a demand of Mr. Erskine's full powers, without a knowledge that such powers existed, but with the express knowledge that he violated what he had stated to be his instructions. We have endeavoured to shew a good reason why our Government should be willing to take such a hazardous step with the full conviction that the agreement would be rejected—that the tendency of it would be to widen the breach between the two countries, and therefore would be the most grateful offering which Mr. Madison could make to his own party, and that as such it has been received—received as a pledge of his devotion to their views, of his disposition to gratify the most favourite wishes of their hearts.

Mr. Madison had further motives sufficiently powerful to induce him to take this bold and artful step.

The Non-Intercourse with Great Britain, as a substitute to the Embargo, pleased no party in the United States. It was an extorted compromise with the different parties in our country. To the southern states it afforded but an imperfect relief. The necessity of transshipment, of a circuitous voyage in order to bring their staple productions to their best market, Great Britain, afforded them only a partial remedy. Whatever may be the pretences of Mr. Madison, that the United States have suffered an "*irreparable injury*" by Mr. Erskine's agreement, and that Great Britain has gained an essential advantage, the people of the United States know and feel the contrary to be the fact.—The most popular act, therefore, Mr. Madison could have performed, was the opening of the direct trade with Great Britain.—This is well known, and this the experience of the short interval of freedom abundantly proves.



Another consideration powerfully operated with Mr. Madison.—It had been contended by Mr. Madison and his party, from the time of his famous resolutions in 1795, that America held the destinies of Great Britain in the hollow of her hand—that we had only to open our granaries, and she enjoyed plenty—and to close them, and she starved. The Embargo was the effect and the experiment of this policy. Although it disappointed all the hopes of its friends, yet the folly of Mr. Erskine (to use the mildest term) seemed to offer them a hope of proving to their party, what experience had already convinced the leaders was not true, that their prophecies were correct. If the second nation in Europe could be compelled to relinquish her general policy, without a substitute, merely by our restrictive energies; the triumph of Mr. Madison would be complete.

Although, therefore, he might have known, and as we have shewn did know, that Great Britain never meant to recede from her system of retaliation, but with a substitute on our part, which would completely supercede it and occupy its place; yet when he found a feeble minister capable of being cajoled by general professions, and influenced by a desire of assisting the party to which his father and himself belonged in Great Britain, who (always in opposition) had particularly *opposed* the British retaliating Orders; is it extraordinary that Mr. Madison should be willing to agree to an arrangement, though persuaded that it would be rejected, which would afford a temporary triumph to his principles?

His game was a certain one—he could not be a loser, and he might gain immortal glory.

If, said he, Great Britain, unwilling as I know her to be, to enter into a contest with us, shall ratify the unauthorized act of her minister, then we can justly boast that our policy, our restrictive, pacific, energetic policy, has brought to our feet the proud mistress of the ocean; my praise will be in all the cities; and France, grateful for my co-operation, will add new praises and new laurels to my brow.—But if Great Britain, indignant at the conduct of her minister, shall refuse to ratify, we shall have created a new cause of complaint; I shall be fixed more firmly than ever in the affections of my party, and in the good will of France.

Though these considerations were sufficient to any reasonable calculating politician, yet Mr. Madison looked still deeper. “The passions of a populace (he must have said to himself) are not so easily controlled. The leaders must consult these passions, not attempt to direct them. It is too Herculean a task to hope to render a state of peace with Great Britain *popular*. The federalists and men of property will support me, to be sure, but an honest peace with England will destroy the firmest administration. To avoid then this rock upon which even Washington’s administration had almost split, I will take care (said Mr. Madison) so to conduct this negotiation that it shall be impossible, *absolutely impossible*, for Great Britain to accede to the arrangement.”

In examining Mr. Erskine's agreement we accordingly find a language adopted by our cabinet which breathes the spirit of defiance, rather than of friendship ; which resembles rather a manifesto of war than a friendly discussion leading to a permanent peace.

When parties suppose they are about to settle their differences, it is common and it is natural to adopt a language of conciliation. In this case we find no courtesy, but a spirit of reproof. Great Britain had contended, that it was our duty, to repel the aggressions of France, and she had manifested a disposition uniformly to withdraw her Orders in Council whenever we should take any effectual steps to vindicate our own rights against France, in the vindication of which she herself had a direct interest :—For her Orders in Council were nothing more than retaliating upon her enemy that injustice which neutrals (the only one of which remaining was America) permitted France to inflict upon her *through their flags*.

As soon then as Great Britain found we were disposed to resist the decrees of France, she was ready to withdraw her Orders in Council, inasmuch as our laws, if duly enforced, would supercede the necessity of her blockade.

Upon this basis Mr. Erskine's arrangement is professedly founded—but although this was the only ground upon which Great Britain could with any honour as it respected her enemy withdraw her Orders in Council, yet our Ministers inserted in this *pretended* and *affected* pacific arrangement, a clause which took away from Great Britain the only *salvo* to her pride—the only apology for her honour. They declared that the act prohibiting intercourse with France did not “proceed from any disposition to produce an equality between the two “nations, but arose from separate and *distinct considerations*.” In other words, lest you should presume that we were actuated by a sense of justice to you or by your remonstrances on that subject, we declare we had no intention to do you justice, and your acknowledgment and repeal we choose to have considered as a pure concession to us and to our forcible and energetic measures.

A still more affrontive clause was added to the acceptance of satisfaction for the Chesapeake.

The Government of the United States, did accept, as a full and complete satisfaction, the terms which Great Britain offered. If peace had been the object it should have been received with good will, but in lieu of this, our Minister told Mr. Erskine, after agreeing to the terms, “that it would have been for the honour of his “Britannic Majesty to have punished Admiral Berkeley.”

Admit the fact thus offensively alledged, if you choose :—Admit it was disreputable in his Britannic Majesty not to punish Admiral Berkeley :—Still we agreed to accept of a satisfaction *without it*—and if a good understanding had been wished or expected, we ought to have abstained from such offensive terms.

It cannot be necessary to men of sentiment to add, that to say that it would have been *more to his Britannick Majesty's honour* to have done a certain thing is tantamount to saying that to omit doing it is *dishonourable*.



Is this the administration which is so alive to the insults of Mr. Jackson, which no man can perceive and no man point out?

The fact is well known, that when these expressions were read in the British Parliament all the bitter distinctions of party were melted away, and dissipated in one common sense of indignation at an unmerited, unprovoked and deliberate insult, at a moment of *affected reconciliation*.

Mr. Erskine has never found a defender in Parliament: No, nor even in the prostituted vehicles of the opposition.

Where then do we find the evidence of sincerity of our government? In making a treaty without demanding the powers of the agent? In forming a convention with a man who stated that he was violating his instructions? Or in the unprecedented affrontive language made use of after a compromise had been agreed to?

In the *present number* I have only time to add one more proof to those I have already adduced of insincerity. It is a fact, that although this arrangement was made with Great Britain, all the democratic papers continued the same virulent abuse of that government which they had used when we were on the eve of a war.

But a more *material fact is*, that Mr. Gallatin, the Secretary of the Treasury; Mr. Seaver, democratic member of Congress from Norfolk, on the 4th July, at Dedham; and the marshal of this district, are said, all of them, before the disavowal of Great Britain was known in this country, to have publicly declared that they feared the agreement would not be ratified, because Mr. Erskine had *exceeded* his powers.—How did these gentlemen *divine this*? If from our Cabinet the information was derived, what becomes of their *sincerity*, what of their honesty in clamoring against Great Britain for an act which their own consciences had taught them to expect?\*

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## No. VI.

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### *The Origin, Progress and Issue of Mr. ERSKINE'S Arrangement.*

ANOTHER circumstance, the tendency of which is to prove the insincerity of our Cabinet, in the agreement with Mr. Erskine, is the appointment of Mr. Adams, as minister to Russia. I have been astonished that so little consequence has been attached to this measure, which in any country of Europe, would have excited the most curious inquiry, and the most serious alarm. The time in which his nomination was *first* made, the knowledge that a serious coalition had been *just then* formed to destroy the commercial power of Great Britain—the illegal and unauthorised appointment of Mr. Short, by Mr. Jefferson, at *such a juncture*—the nearly unanimous refusal to

\* Mr. Prince, marshal of this District, has published a note in which he admits his *prophetic* spirit, but denies that he derived his information from Washington. No man could be so weak as to suppose that the Cabinet held a direct correspondence with Marshal Prince.—There are a thousand ways of communicating facts and opinions, without confiding in the discretion of every inferior officer.

sanction that appointment—the *solemn vote* of the senate on the motion of Mr. Lloyd, (one of the most intelligent merchants in either branch) “that any mission to Russia was *inexpedient and unnecessary*.” The conviction in the mind of every intelligent man, that this vote of the Senate was correct, are all of them proofs that this measure has some object beyond its *first* appearance. We have passed thirty years safely and prosperously without a minister to Russia; our trade to that country inconsiderable in itself, was perfectly well managed without any Consul, and was certainly sufficiently secure with an able Consul General. Russia is not an important naval power; and it is on the ocean alone that the theatre of American politics is erected.

When therefore Mr. Jefferson, at a moment of hostility with Great Britain, nominated a minister to Russia; when he selected for that purpose the man, the most completely pledged of any citizen in the United States—the man who had justified the Berlin decrees as merely retaliatory on the British rule of 1756, all prudent men stood appalled. Even an obedient Senate, so complaisant in general to the executive, could not discern the expediency of multiplying our Foreign relations. A momentary compunction seemed to take possession of the party, which had for so many years opposed the extension of our diplomatic connections.

Mr. Jefferson *was disgraced*—The Senate almost unanimously voted that any mission to Russia was inexpedient. Without doubt many of them thought that to multiply and to draw closer our connections with the Allies of France would tend to increase the difficulties and impediments to a good understanding with Great Britain.

An *ordinary man, like the writer of this article*, would have supposed it an insult, if not a breach of privilege, for a President to repeat the same proposition in three or four months to the same public body which had rejected it—it would seem to be still more extraordinary, that a moment should be selected for this purpose, when we had just concluded a preliminary treaty with Great Britain (if the *same had been sincerely concluded*,) and when we expected soon to discuss and settle the remaining disputes with that nation. No man could doubt, that the tendency of such a measure was to excite the jealousy of the British Court. “What, would a British minister say, does America at the moment of tendering to us the olive branch, arm the deceitful stranger with the *sharpest thorns*? Is she not content with the offensive and indecorous language in which she has clothed her offers, but does she at *this* moment, court an intimacy with one of our enemies, with whom during her whole political existence, she has hitherto had no political connection?”

The mission to Russia, when considered in all its views, does not augur a sincere disposition to conciliate Great Britain—and cannot be defended unless some person can shew, against the *express vote* of the Senate, that the measure was highly necessary and expedient.

Another fact, the tendency of which is to prove that our Cabinet had no expectation or wish that the arrangement with Mr. Erskine should take effect, is the conduct of Mr. Madison and of Congress at the June session.

Mr. Madison, if you take Mr. Erskine's *first statement* to his own Government, had assured that minister, that if Great Britain would *repeal her Orders*, we would take *side* with her against those nations which kept in force decrees infringing the rights of neutrals and of Great Britain.

When called upon by our government to explain, the submissive and suppliant Mr. Erskine, still persists that Mr. Madison told him, that although he could not answer for Congress, yet that there was no doubt but that Congress would honestly fulfil this implied stipulation, and *would* enforce our laws against the offending power.

What was the fact? Mr. Madison not only fails to recommend it in his speech, but Congress neglect to include Holland, though within the British orders, though within the absolute dominion of France, though enforcing laws injurious both to our own rights and those of Great Britain. What apology is made for this breach of faith? Shall *we say* that Mr. Madison's suggestions amounted to *no pledge*? Did they not bind *himself*, at least, to the recommendation? What is the excuse set up for this violation of a private understanding? Mr. Smith tells us, that it was less important to Great Britain because Holland excluded us from her ports. This if it had been true would have been a *singular* reason for opening our trade with her, but it was not correct—She has never excluded our ships freighted with certain productions of our own country, unless they came within the provisions of the Dutch decree, which copied the decrees of Berlin and Milan.

Thus we see that if the arrangement with Mr. Erskine had been deemed by Mr. Madison a serious one, he has very ill fulfilled the poor and narrow conditions which he had persuaded Mr. Erskine to accept in lieu of those to which he was directed to assent.

Let us now say a *few* words upon the rejection of the agreement by Great Britain, for a few only, with the remarks we have before made, will suffice.

Great Britain would have had a right to have refused to ratify the agreement even if Mr. Erskine had pursued his *instructions*, because he was not vested with *full powers*, and she would only have been obliged to say to us that he had no sufficient authority.

This is supported by the quotation from Vattel, made by our own Civilian, Mr. Smith, and which is in fact, and is to be presumed to be the strongest case he can cite—Vattel says that agreements and treaties made in virtue of a *full power* are binding. Now this implies necessarily that if they are not made in virtue of a *full power*, they are *not binding*.

That the General letter of credence of even a resident Minister plenipotentiary is not a full power, we have the testimony of all the great civilians, but of none who deserve so much weight in *this case*, as that of the *very learned* Doctor in Law, Thomas Jefferson, whose authority we cited in a Note to No. IV.

But Great Britain is not so mean and ungenerous as to put her disavowal on the mere want of power. She says "I will not imitate



“ your example in the case of the treaty made by Messrs. Munroe and Pinkney. The simple want of authority would not induce me to reject a treaty just and equal. But I reject it because *my servant broke his orders*. Whether he broke them or not, is immaterial to you. It is sufficient that he had no power, and you never even asked him whether he had, which you know is the established usage, and which usage you yourselves adopted against our former minister Hammond. It is therefore, doubly unreasonable that you should complain of a measure, which I was, on two principles, both *equally* recognized by the laws of nations, authorized to adopt.”

That Great Britain did not, as she well might have done, repose upon the *general incompetency* of Mr. Erskine’s powers, who not only did not possess a *full power*, but of whom our government, contrary to their *own former conduct*, did not demand any evidence of authority, we have the declaration of Mr. Jackson, who states, that although Mr. Erskine had *no powers* to conclude such an arrangement, yet that his Britannick Majesty did not disavow his agreement on *that ground*, but solely because, though acting without powers, he violated, in a gross manner, his *instructions*. These instructions are now before the public. Every man knows that they were violated, in letter and in spirit—and our own government do not pretend to deny this point. But there is one circumstance worthy of notice. The British Cabinet had no confidence in the talents of Mr. Erskine—they not only bound him down to precise terms, but they required that even if these *terms were complied with*, still that they should not be held till they *should receive* in England, an *official note*, declaring the consent of our government to them. This was tantamount to a positive reservation of a ratification. Shall we be told, that our government did not *know* this? That the instructions were not communicated in extenso? I answer, this is not the fault of Great Britain. She authorised her minister to shew them, and we were bound by the law of nations to demand his *authority*, as we have proved by the letter of Mr. Jefferson to Mr. Hammond.

This brings me to the last remark, which I have to make in proof, that the agreement with Mr. Erskine was not sincere, but was intended to be used as a source of new difficulties, and to be the apology for a rupture.

If that arrangement had been made *bona fide*, and with an honest disposition to bring about a solid peace with Great Britain, the disavowal of it would have been received as all nations receive events of that sort, without emotion or complaint. As *two perfect* reasons, as we have shewn, existed to justify Great Britain in rejecting the agreement, for neither of which was she accountable to us further than to *state them*, it was sufficient for her to make this known to us through *any channel*. I shall, on a future occasion, consider the high mettled and fastidious ground taken by our government, that a special envoy should be sent with a special power, with a certain technical form of words, and should make a formal procession to the Capital in a penitential sheet; to apologize for an act which we and all other nations

have done without any apology—in short, to apologize for the neglect of our own ministers in not demanding Mr. Erskine's powers.

But I cannot quit this part of my subject, which is now completed, without one further remark, that it is somewhat singular, that our National sensibility should be so local or personal—That while France is allowed to kick us from Finland to the pillars of Hercules, without provoking any other observation, than that the "*posture* of our affairs" is not changed, we should be so extremely sore—so tremblingly alive to all the injuries of Great Britain, that even Shakespeare, in his Mercutio, has given us but a tame sketch of our irritable sense of honor. Whether a repeal of a proclamation shall be dated to-day or to-morrow ; whether an explanation is made through our resident minister—or the offending minister, or his successor, or whether, though the successor makes the explanation, he uses a legal form of words for that purpose, and lastly, whether, in stating what we admit to be true, he adopts a larger word, or a more copious expression, or deduces an inference amounting to an intimation of an insinuation, is in our very valiant temper, sufficient cause for the dismissal of a minister, and for incurring the horrors of an interminable war.

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## No. VII.

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### *Mr. JACKSON's Dismissal—Its important Consequences— Its pretended Justification.*

WE come now to the consideration of the most momentous question which the United States have *ever* been called upon to decide since the declaration of Independence : and it is astonishing with what an apparent apathy this question is considered by men of all ranks, of all grades of understanding and acquirements. They seem to treat it as if it bore some degree of resemblance to the questions which have for several years past agitated the public mind, and as if it was certain that, like them, it would end in noisy and vapid declamation. It is, however, no less a question than that of a ruinous war, or a disgraceful peace. The position in which the late dismissal of Mr. Jackson has placed the United States is one from which they can never extricate themselves with *honour* ; and they may esteem themselves the favourites of Heaven if they escape from it without serious calamity. Our fate no longer depends on the wavering, noisy, and vapouring councils of boisterous demagogues, but upon the policy and prudence of another nation, upon whose good-will we can no longer calculate—Let us explain ourselves.

The right to dismiss a foreign Minister for indecorous or offensive conduct, (however it may have been questioned, and indeed denied, as we shall shew, by Mr. Madison's party,) can never be doubted by any man acquainted with public law, nor will be contested by any

person who is alive to the true interests and honour of his country. If the offence is palpable and unquestionable, no nation which regards its character, and which wishes to preserve peace, will hesitate to recall its minister who has been guilty of such an offence. The harmony of the two nations is not in such a case in any degree affected.

But if the case be a questionable one, and especially if the time, conduct, and circumstances be such as to render it obvious that it was either intended as an affront, or as an excuse for the rupture of negotiation, it becomes impossible for the injured nation to recall his Minister, to disgrace him in the eyes of the world, and to renew the interrupted intercourse.

If such a dismissal be, moreover, accompanied with circumstances of insult and aggravation, *war* may be expected to follow; and Mr. Giles, in this case, with a spirit truly *prophetic*, has predicted that such will probably be the result.—Why that gentleman should have presumed it, if Mr. Jackson has been rightfully dismissed for his own personal misconduct, we leave to the public to decide. Should, however, Great-Britain not deem it for her interest, in this instance to declare war, let us consider what will be *own predicament*? We pretend that we have sustained great and unexampled wrongs,—Great-Britain will not send us another Minister, if, (as it will appear) Mr. Jackson has been guilty of no breach of *decorum*. We shall be compelled, from the invariable usage of nations, and respect to our national character, to *recall* Mr. Pinkney. What then will become of our long-continued complaints; of those deep and premeditated injuries with which our present administration have so frequently filled the public ear, and with which they have so often and so successfully inflamed the public passions?

Are we to submit to them, without redress? or, if we are, shall we forego, forever, the advantages arising from a free commerce not only to Great Britain, but to all the countries to which she now interdicts our entry? *War* then on *our side* seems to be our only choice, unless we shall prefer to *submit*. Great-Britain never can send another Minister to this country; and surely our government never will make another advance to her.—It would be a concession that we were in the wrong, to which so lofty a pride as that which dictated the dismissal of Mr. Jackson, for merely an intimation not perceptible to ordinary understandings, could never submit.

Such then are the serious consequences of this measure—consequences far more important than any which have yet followed from any measure adopted by any administration in our country. Either war upon us by Great-Britain, war by us against her, or a submission to all her alledged wrongs, and a total suspension of intercourse with her, until either she or ourselves shall so far forget our pride and honour as to court a renewal of intercourse.

Now, serious and alarming as this position is, no honourable man, no man who regards the rights and dignity of his country, will regret the consequences, if the measure was called for by our honour—if not, let the censure fall upon those persons who rashly advised so



hasty and momentous a step. The administration have defended this measure by the example of General WASHINGTON in the case of *Genet*—the allusion is an unfortunate one, on every account. I had intended to cite this case against *them*, and I could not have dreamed that Mr. Madison or his friends would have had the imprudence to induce us to take a retrospective view of that *disgraceful scene*.—That these men, who now affect to be so alive to the national honour, who are so ready to take offence at a look, a word, an *insinuation*, should remind us of a period in which not only the honour of the country was trampled under foot, but in which the foreign agents who insulted us were honoured, feasted, and set up in *hostile array* by our own citizens against their own government, is among the marvellous events of the evil times on which we have fallen. Genet was not *dismissed*, his recall only was requested, and his personal and political friends, Thomas Jefferson and James Madison knew it full well; Genet was not requested to be recalled merely for any insulting language towards our own government:—It was for a long continued series of *overt acts*, for which he might have been tried and punished, that Mr. Genet was suspended:—It was for assuming the functions of his office before he was accredited; for promoting military expeditions in our territory; for resisting the executions of the laws; for openly defying the executive authority, to which were only *superadded* personal insults, which were repeated for several months before the prudence and patience of General Washington were exhausted. Mr. Jefferson and Mr. Madison can tell, why the President was so forbearing. They can tell us how large, how powerful was the combination of their friends, against our government and in favour of Genet.

Let us now proceed to examine the concealed insult, which is said to LURK SOMEWHERE in Mr. Jackson's correspondence. There were several interesting circumstances attending the disclosure of this pretended insult, which led many judicious men to suspect, that the transaction would not bear the closest examination. The people at large are not capable of expending the time and devoting the attention necessary to the perusal and comparison of a long correspondence expressed in the studied language of diplomatic men. It was known to the administration, that if an unequivocal declaration should be made to the public, that Mr. Jackson had insulted our government, this would reach every head, and inflame every heart in the United States, while the slow and laborious vindication or disproof of such a charge, received with distrust, into minds already prejudiced, would make but a feeble progress. The act of publishing the statement of Mr. Jackson's insult in the *National Intelligencer* was the *act of the government*: That statement proves to be a copy of the *official note addressed to Mr. Jackson*. The government then, ten days only before the meeting of Congress, published an account of the dismissal and of its pretended causes and called upon the people to resent this conduct before any evidence of it was laid before them. The *National Intelligencer* endeavoured to excite the highest degree of irritation and succeeded in it. Finding that the public mind would become too

much excited, they changed their tone, and begged the people to restrain their rage, and not to violate the immunities of Mr. Jackson's office by an outrage on his person. If the formal notice of the insult was the act of the government, so also was this ; and yet this very administration make it a subject of complaint against Mr. Jackson that he demanded a *safe conduct* against the populace whom the *patrons* of the *National Intelligencer* endeavoured to appease, and whose fury they appeared to dread. A second circumstance, which tended to excite a suspicion of unfairness, was the attempt to divert the public attention from the alleged insult which was the avowed cause of the rupture of the negotiation, to the propositions pretended to have been made by Mr. Jackson. This was a subject more complex, more difficult for the people to comprehend. But the resort to it was a subterfuge which we shall endeavour to remove. A third circumstance, which has a very suspicious appearance, is the *change* in the *terms* of the charge brought against Mr. Jackson. We were at first told, that he had given the lie direct.—Even the *National Intelligencer* led us to suppose, that he had charged the government with the knowledge of *Mr. Erskine's instructions*, of which they had declared they had no *knowledge* ; we supposed the contradiction was upon some plain, specific, and important fact : but as soon as Mr. Jackson's explanation appeared, it was thought necessary to write a letter to Mr. Pinkney, and to explain the charge. A very different view is given of the affair in this letter from the first statement in the *Intelligencer*. This leads us to a belief that if Mr. Jackson's circular had not reached the press, we should never have seen Mr. Smith's very extraordinary letter to Mr. Pinkney. Under circumstances so inauspicious to truth, did this transaction appear before the public. Let us now proceed to shew, from the documents, that there is not even a *shadow* for the charge as it stands corrected, and dwindled down to pigmy size in the letter to Mr. Pinkney. The charge as it is now corrected and explained, may be found in the following extract from Mr. Smith's letter to Mr. Pinkney, of November 23d, 1809 :

*"It was never objected to him, that he had stated it as a fact, that the three propositions in question, had been submitted to me by Mr. Erskine, nor that he had stated it, as made known to him by the instructions of Mr. Canning, that the instruction to Mr. Erskine, containing those three conditions, was the only one from which his authority was derived, to conclude an arrangement on the matter to which it related. The objection was, that a knowledge of this restriction of Mr. Erskine, was imputed to this Government, and the repetition of the imputation, after it had been peremptorily disclaimed."*

The amount of this paragraph and charge is simply this, that Mr. Jackson either by direct assertion, implication, inference, or insinuation, did either say or suggest "that our government knew that Mr. Erskine had no other instructions than those which they *admit were made known to them*," and that he repeated this *insinuation* after our government disclaimed such knowledge.—Had Mr. Jackson so have conducted he would have been not only insolent, but extremely weak.



—For it would have been ridiculous in him to impute to our government the knowledge of such a *negative*, which it was almost impossible they could have known, besides, that such an imputation would have been contradictory to other parts of his *own* letters.—In his letter of the 11th of October, he tells Mr. Smith “that although when he left England it was believed that Mr. Erskine, had shewn his instructions in *extenso*—yet it now *appeared he did not*.” This was a candid dismissal of Mr. Smith’s declaration on this subject; and in the same letter he adds, “that the letter of the 23d January, from Mr. Canning to Mr. Erskine, was the *only despatch* by which the conditions of an arrangement were prescribed;”—and he adds no *insinuation* or inference that our government knew this to be the fact. On the contrary, the declaration to Mr. Smith in so solemn and formal a manner, implied, *unavoidably implied* that our government did not know that fact before. If, then, it would have been absurd and contradictory in Mr. Jackson to have insinuated such a knowledge of the restriction of Mr. Erskine, let us see whether in point of *fact* he was guilty of this folly. The first instance in which any mention is made of the instructions of Mr. Erskine is in Mr. Jackson’s first letter of October 11th. After stating that it was believed that Mr. Erskine had communicated his powers in *extenso*, when Mr. Jackson left England, and admitting the *fact* unconditionally and frankly “that he *had not*,” he proceeds to state, that by Mr. Erskine’s letters it appeared that the three conditions which formed the basis of his instructions had been made known to our cabinet, and that all the arguments and observations upon those conditions by our minister had been stated by Mr. Erskine to his own government, from all which he *infers*, that the substitution of other articles instead of those proposed by Great Britain was a proof that the *conditions were known to us*. He only adds to this simple and intelligible idea, one “remark that our government must *now perceive* how widely the agreement differs from the *conditions* prescribed, and of course how just were the claims of Great Britain to refuse her assent to it.” Is there in all this the remotest intimation, inference or insinuation that our cabinet knew or might have known, or might have inferred that these were Mr. Erskine’s *only* instructions? Mr. Jackson adds, that the despatch of the 23d January was the *only one by which the terms were* prescribed.—This clause is simple unaccompanied with any inference of insinuation whatever; and we assert confidently, that no other passage can be found in this first letter relative to this subject. In Mr. Smith’s reply to this letter we ought to expect to find not only a reproof or notice of any offensive terms, had there been any but a particular designation of the part which was deemed offensive.—Mr. Smith does express his surprise, that Mr. Jackson should lay so much stress on the want of complaint on the part of our cabinet, and on the substitution of other terms instead of those which Mr. Erskine was authorised to propose;—but he does not intimate that Mr. Jackson had drawn from those circumstances a conclusion that our government had a knowledge of the *restricted powers* of Mr. Erskine. Now, as Mr. Jackson had *not in fact*, as we

have shewn, drawn any such conclusion, and as Mr. Smith did not tell him that he supposed he had, how could that minister divine it or give any explanation of it? Mr. Smith adds, "that if the government had known that the conditions presented by Mr. Erskine were the only ones on which he was authorized to make the arrangement, it never would have been made." This was the *moment for him* to have told Mr. Jackson that he understood him to *insinuate* in his first letter that our government *had such knowledge*. This was omitted. Why? Because Mr. Jackson had made *no such insinuation*. But if he had made it, it would have been no offence until our government denied it, which they never did till this clause was inserted in Mr. Smith's letter of Oct. 19th. The offence, if any, must be found, therefore, in the subsequent correspondence. The next letter from Mr. Jackson in reply to this *denial* now *first made* by our government of their knowledge of the restricted nature of Mr. Erskine's powers, is dated Oct. 23d:—In this letter he most delicately abstains from any insinuation of the knowledge of our government of Mr. Erskine's restrictions:—The only sentence in relation to this subject, are the following, and are in strict and exact conformity to the facts admitted by our Cabinet.

"*These instructions (Mr. Erskine's) I now understand by your letter as well as the deductions which I took the liberty of making in mine, of the 11th inst. were at the time in substance, made known to you.*"

"*You are already acquainted with that which was given (alluding to the communication of Mr. Canning's letter to Mr. Erskine, which was shewn to Mr. Pinkney,) and I have had the honour of informing you that it was the only one by which the conditions were prescribed.*"

These are the only sentences which affect this question, in this letter. It is impossible to conceive of language more clear—it is difficult to form an idea of expressions more respectful or less offensive. Yet the next we hear from Mr. Smith, on this subject, is in the highest possible tone of haughtiness and affront:—He assures Mr. Jackson, without any qualification, that his language is *improper* and irrelevant, and that *Mr. Jackson had insinuated which we have proved he had not*, that our government knew that Mr. Erskine's instructions did not authorise him to conclude the arrangement, and that he must not *repeat* the insinuation which he had never made. Mr. Jackson had insinuated only what our government admitted, that they knew the *substance of Mr. Erskine's powers*, and the only inference he made was that his Majesty was not held by an agreement which so essentially departed from them. The language of Mr. Jackson heretofore was not considered good cause for dismissing him, but we are told that in his last letter he persisted in the same insinuations, with aggravating circumstances. In that letter we affirm, that not one line can be found, alluding to the contested point. There is a moderation, accompanied with firmness, which Mr. Smith would do well to imitate:—The only passage which can be pretended to refer to the dispute, is the last paragraph, where Mr. Jackson regrets that

he should be charged in unqualified terms, with irrelevant and improper arguments, and adds, "that he should not think of uttering an *insinuation*, where he was unable to substantiate a *fact*."

Now it is said, and said with justice, that if Mr. Jackson had made an improper *insinuation before*, this was in effect, an adherence to it, and an offensive one. This *we admit*;—but as he had made no *insinuation*, as we have proved, but of *facts admitted by our Cabinet*, and especially as he had *not* made the *insinuation now charged* upon him, it was not a breach of delicacy to assert; that he had made no insinuations unsupported by facts.

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## No. VIII.

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### Mr. SMITH'S *offensive Insinuations, and irritating Language to Mr. JACKSON.*

WE have shewn, that neither the original charge of insult, preferred against Mr. Jackson, in the note, by which his functions were suspended, nor the milder and corrected explanations of that charge, in the letter from Mr. Smith to Mr. Pinkney, can be supported by any fair construction of Mr. Jackson's letters. What then, is the result? Why, that the *certainty* of a continuance of a state of irritation and danger, and the *possibility* of the horrible calamities of War, are to be endured by the people of the United States, on account of an *imaginary* insult, of such extreme tenuity, of such an imperceptible and intangible form, that it requires all the sophistry of Mr. Giles, in a speech of twenty pages, to present a faint and feeble picture of it.—An insult of so subtle and changeable a nature, that every man who would point it out, varies in the selection of the offensive passage; and in the construction of the parts selected.

Who are the men, who would thus inflame the Nation to mortal hatred and inextinguishable rage? Are they the same persons, who, in a moment of pretended reconciliation, told his Britannic Majesty, that his offer of reparation for the Chesapeake did *not comport with his honour or dignity*? Or are we to be hurried on to our ruin, under the belief, that *sensibility and rights* are all on our side, and that while the sovereign of another nation shall not even *look awry at us*, we may, without offence, impeach his good faith, and question his honour?

Let us endeavour, for the first time, towards Great Britain, to adopt the golden rule of christianity, which, if it be not respected as an authority in our Cabinet, it is hoped, has yet some influence with the sober and religious part of our people; and while we are courting a war, on account of pretended insults, in the letters of Mr. Jackson, let us see whether the language of Mr. Smith be wholly faultless—in short, whether it be not unnecessarily affrontive.

The correspondence, in the late case, was opened by Mr. Smith, by his letter of the 9th of October, and we doubt, whether so abrupt,



so rude and offensive a note can be found in the whole annals of diplomacy, if we except the uniform tenor of the *French correspondence with us*.

This letter is in the nature of a manifesto, rather than of a friendly inquiry. It charges Great Britain with perfidy—it declares, by anticipation, that she had no *apology* for it—it alledges, that she had made no explanations of her conduct, but that she had accompanied this neglect by new and insulting pretensions. It goes further,—It specifies those pretensions, though, as we shall hereafter shew, they had been absolutely denied by the British minister, in previous conversations, and in fact, no such propositions have ever been suggested by him. After all these charges, as unqualified, unmeasured and indecorous in their language as they turn out to be unfounded in point of fact, the common rules of diplomacy would have required that Mr. Smith should have concluded, which he did *not*, with some expressions of confidence in the *disposition of his Britannic Majesty* to reconcile his conduct with good faith, and with the principles of justice. These professions, insincere enough, to be sure, are a species of counterfeit coins, of little or no intrinsick value, but which usage has rendered an indispensable medium of Diplomatick Intercourse. And *who* ought more scrupulously to adhere to the use of them, than our inflammable rulers, who can calmly hazard the existence of a Nation; for a supposed failure of etiquette?

If Mr. Jackson had replied to this letter of Mr. Smith, (which, we must recollect, was the commencement of the correspondence) “that the temper in which Mr. Smith’s letter was conceived, too much resembled the *ungracious tone* in which Mr. Erskine’s arrangement was expressed, to leave any hope of benefit from the protraction of the intercourse,” all impartial men would have thought him justified.

That it must have had, and that in fact, *did* have, as was doubtless intended, an inauspicious and unfavourable effect on Mr. Jackson’s mind, and on the future style of the negotiation, there can be no doubt. It is not a favourable mode of commencing a settlement of antient controversies, to begin with a *blow*.

The second instance of indecorum on the part of Mr. Smith, which falls very little short of contradiction, and whatever it may fail of amounting to that, may be fairly placed to the account of prevarication, is of vast importance, because the same insult, if it be one, to the British minister, is repeated by Mr. Madison in his message. It is the allegation made in Mr. Smith’s first letter, that he learned with surprise and regret, that Mr. Jackson, so far from coming prepared to make explanations for the disavowal of Mr. Erskine’s arrangement, had been directed to insist upon terms, inadmissible and affrontive.

Mr. Smith represented in this introductory letter :—

1st. That Mr. Jackson had no instructions to make any explanation of the disavowal of Mr. Erskine’s agreement.

2dly. That in the affair of the Chesapeake, he had no authority to assign any reasons for the refusal to accept that part of Mr. Erskine’s agreement, but that his powers were limited merely to tending a note

offering the terms of satisfaction, on condition, that he should receive a simultaneous answer from our government, accepting those terms as satisfactory.

3dly. That he was not authorised to offer any new proposals for the repeal of the Orders in Council of Nov. 1807.

And *Lastly*, That it was the intention of the British Government, not to revoke those orders, but upon the three famous conditions, which were declared inadmissible by our Government, and which had formed the basis of Mr. Erskine's instructions.

Now I propose to prove, not only that this statement was in every respect, except as to the third proposition, untrue and unsupported by the correspondence ; but that it was offensively *adhered to*, after Mr. Jackson's explicit declarations to the contrary, not only by Mr. Smith, but by Mr. Madison in his message.

If this shall be made out satisfactorily—if it shall be proved in a manner to defy contradiction, or refutation, then it will follow, that our Government are chargeable, not only with an unfair, but a disreputable misrepresentation of the views of the British Cabinet, and with a formal contradiction of Mr. Jackson's solemn *asseveration*.—It should here be remembered, that Mr. Jackson is the representative of a Sovereign power, which treats with us on equal terms, and that to call in question his veracity, is to doubt the veracity or honour of his Sovereign.

Let us take up each point distinctly, and in the order in which Mr. Smith states them.

1st. Did Mr. Jackson tell Mr. Smith that he had no instructions to offer any explanation of the disavowal of Mr. Erskine's agreement—and has he failed to make any?—

Mr. Jackson admits, that he had made no formal communication of the motives for the disavowal, for which he assigns two reasons.

1st. That Mr. Canning had hastened with an ardent zeal to satisfy our Government before any complaint had been made by our minister, to explain to Mr. Pinkney the motives of the disavowal ; and this *not* by an empty and insincere declaration of Mr. Erskine's having violated his orders, but by a candid disclosure of his *actual instructions*.—This was more than the laws of Nations required—It would have been sufficient to have declared, he had no full powers, but Great Britain was unwilling that her good faith should be called in question.—She would not defend herself on ordinary and sufficient ground—She produces the private instructions, and demonstrates the violation of them in toto.—Those instructions moreover, were supposed to have emanated from our own proposals, and she would have been justified, in retorting the breach of faith upon us ; but she delicately abstained.—She confined herself to her own justification, and by the laws of nations, by our own former example in former treaties made by us, she was fully exonerated.

*Secondly*. The second reason for not having offered an explicit defence of the disavowal through Mr. Jackson, was, that Mr. Erskine had been directed to make it, and it was supposed, when Mr. Jackson

came away, that he had done it.—Great Britain, he declares, was unwilling to rest so long under the imputation of a want of good faith, and therefore instantly ordered her minister here to explain her motives.

One would suppose this would satisfy the most fastidious and captious Government, but Mr. Jackson, anxious to remove every possible objection to an amicable adjustment adds,

“But, If *beyond this*, any incidental discussion, or explanation, “should be wished for by this Government, I came fully prepared to “enter into them—I even consider them to *have taken place* between “us.—I have certainly derived great satisfaction from the several “*hours* we have spent in conference on *these subjects*.”

We here perceive, that the explanations had in fact been made, though not in the formal manner which the scrupulous nicety of our Government, required—We see moreover, that he came fully authorized to supply whatever was *deficient* in the explanations of Mr. Canning or Mr. Erskine.

To this fair offer Mr. Smith replies in his letter of Oct. 19, that his objection was not so much to the want of explanation as to the failure of that solemnity and formality which such an important case required—Let us examine this principle—We make a bargain with a minister without demanding his powers—It appears not only that he possessed none, but that he had violated his positive and clear instructions.—The law of nations in such a case requires no apology from the nation which refuses to confirm the agreement of its unauthorised and culpable agent—We on the other hand demand not an explanation which was given to us and which we had no right to require, but a solemn and formal embassy, and a penitential and apologetic document from a Nation, which had only exercised its acknowledged rights.

We may judge from this circumstance of the temper with which this Negotiation has been conducted, and how impossible it is, that Great Britain should ever satisfy our Cabinet. “We should not be contented, said Mr. Ames, with a temper like this, if the Treaty left King George his Island, not even if he stipulated to pay rent for it.”

But Mr. Smith, not content with this haughty requisition, proceeds, in the *same letter*, to contradict Mr. Jackson.

“As you have disclaimed any *authority to offer explanations* for the disavowal,” &c. [See page 47 of the printed documents.]

Mr. Jackson, however, irritated by this repetition, after his express offer to make any additional explanation which might be deemed necessary, in place of recriminating language, chooses the more prudent course of taking away all pretext from his opponent, by stating formally the grounds of the disavowal.

“I have therefore no hesitation in informing you, that his Majesty was pleased to disavow the agreement concluded between you and Mr. Erskine, *because* it was concluded in *violation* of that gentleman’s instructions, and *altogether without authority*, to agree to the terms of it.”

Here one would suppose this question at rest. The true, the only, and two sufficient reasons were assigned which ought to have satisfied any impartial and honourable mind.



Still the pertinacity of our minister did not cease.—Still it was deemed necessary to affront his Britannic Majesty, through his representative. In Mr. Smith's letter to Mr. Pinkney, (page 82, of the printed documents) he says, that besides Mr. Jackson's *indistinct* and reluctant explanation of the reasons for the disavowal, he did not make his proposal till he had made such progress in his offensive insinuation as made it proper to wait the issue of his reply about to be given to it.

It is here seen, that this most distinct, plain, correct and forcible explanation—an explanation the most perfect that could be given, couched in distinct and appropriate language, to wit: that Mr. Erskine had no authority, and had violated his instructions, is declared to be reluctant and *inexplicit*. Nor did the misrepresentation and contradiction end here. It ascended to a higher source—Mr. Madison, *long after this*, referring solely to this point, declares in his Message, that “It could not be doubted that the new minister could at least be charged with conciliatory explanations.”

“Reasonable and universal as this expectation was, it also has not been fulfilled.”

We now pass to the second charge of Mr. Smith against Mr. Jackson, and the British Cabinet, that Mr. Jackson not only assigned *no reason* for the disavowal of that part of Mr. Erskine's arrangement which regarded the Chesapeake, but that he had only proposed to tender a note offering a satisfaction which should be simultaneous with our acceptance of the satisfaction.

This charge in its *first branch* is totally unfounded, and in the second part of it, the ground taken by the British minister is perfectly defensible not only by the law of nations, but by the circumstances which attended their former offer of satisfaction for this unauthorised injury.

1st. Then, the first part of the charge that Mr. Jackson, did not come prepared to assign any reason for the rejection of this part of the agreement, is unfounded.

Mr. Jackson in his first letter, declares, “that he was authorised to *renew* the offer made by Mr. Erskine, notwithstanding the *ungracious* manner in which it had been *formerly received*.—You have said, addressing Mr. Smith, that you so fully understood the particulars of that offer, that I deem it unnecessary to recapitulate them here.”

This clause tenders *specifically* the terms, because Mr. Erskine's arrangement was in our own possession, and Mr. Smith had declared his full knowledge of them. It does more: It assigns the reason why that part of the agreement was not fulfilled—“because of the *ungracious* manner in which it was accepted.”

We have shewn in a former number, in what the ungraciousness of this manner consisted—but shall it be insisted that Mr. Jackson was bound to repeat the offensive terms? If a man calls me a liar or a thief, is it not enough for me to allude to his offensive epithets, but must I be compelled to repeat the outrageous expressions?

But Mr. Jackson is more explicit ; he tells Mr. Smith “ that his Majesty would be justified in rejecting that agreement not only on account of the form in which his Minister had tendered it, but of the manner in which that *tender had been received.*” He adds, “ that he had elucidated that observation by a reference to the particular expressions which made the terms of satisfaction appear *unacceptable* to the American government, at the very moment when they were accepted.”

The just and honourable pride of Mr. Jackson forbid his repeating to the world the insulting expressions, but an American who thinks as I do, that our government put an unnecessary impediment in the way of adjustment, is restrained by no such delicacy.

It was because our government declared “ that the offer made by his Britannick Majesty did not comport with his honor and dignity ;” that it was *dishonorable* in him to make it ; that the agreement was rejected. This is the reason assigned, and yet we are told this is *no explanation*. A Virginia nobleman would not hesitate to take away *the life* of a fellow-citizen on *such a ground*, and yet we are told this is no reasonable ground for rejecting a *bargain*.

This phrase purposely introduced, shews, as Mr. Jackson says, that the satisfaction given was *unacceptable* to our government, and yet we complain that this *unacceptable* and insufficient satisfaction is withheld ! !—Proh Pudor ! !

The second part of this charge in relation to the Chesapeake is now to be considered. Is it affrontive to us ? Is it injurious that Great-Britain should insist upon having our acceptance of the satisfaction simultaneous, cotemporaneous with the offer ? Is it unreasonable that she should insist on seeing the letter agreeing to receive the satisfaction ? We think not, because

1st. Mr. Jackson states that this is the invariable course of European governments in like cases.

Is this denied by Mr. Smith ? We have three letters of his, after this assertion, and Mr. Jackson’s principles are not questioned.

But 2dly. If no such usage had before existed, here were special reasons for the adoption of such a rule.

Great-Britain, through Mr. Erskine, had tendered a full satisfaction for the Chesapeake affair, which had been accepted by us—but owing to his neglect of demanding our answer and agreeing to it beforehand, our government had inserted the *most affrontive language* ever introduced into a diplomattick correspondence. Was it then unreasonable, that Great-Britain should be unwilling again to confide in our delicacy—again to repose in our sense of decorum ?

But lastly, here was a serious controversy about to be adjusted, here was a trespass on our rights about to be compromised by the payment of money, and the acknowledgment of wrong.

Did any prudent man ever pay his money, or tender his satisfaction without seeing his discharge, without reading his receipt in full ? If such imprudence does not occur in private life, how could it be expected of a nation which had no extraordinary reason to confide in *our good will* ?



But Mr. Smith and Mr. Madison so far from confiding in these positive assurances of Mr. Jackson of *his powers in relation to the Chesapeake*, and of his being clothed with the fullest authority, continue in the future correspondence and in the Message after the whole negotiation was closed, to insinuate that he had no competent power—that he had made no specifick offer, and that his intimations were accompanied with inadmissible pretensions on this point.

I shall hereafter distinctly examine these pretensions which are declared inadmissible, but at present my object is simply to shew, and that I have fully done, that our Cabinet have in very indecorous language contradicted Mr. Jackson's most solemn asseverations, and misrepresented in a glaring manner his observations.

As to the third charge brought against Great-Britain, that of having made no proposals for the repeal of the orders in council, it is the only one in which our Government have not come to a flat contradiction of Mr. Jackson's declarations.

But it will be seen that they do not stand on better ground as to this charge.

It is true that Mr. Jackson did not come authorized to receive or to make any other proposals for the repeal of the orders in council.

And what are the reasons? The most respectful to us, the most justifiable in themselves. They are,

1st. Because it would have been indelicate and indeed affrontive to renew the propositions which, although they probably first emanated from our Cabinet, we had seen fit to disavow and *reject*.

2dly. Because we, claiming the repeal of a measure which Great-Britain had adopted as a just retaliation on her enemy; she had a right to expect that we should propose a substitute of resistance to her enemy which would take the place of her orders, and would fulfil the duty which she contended we were bound to perform in order to entitle us to our neutral privileges.

But lastly, and the most important reason of all, was, that she had in repeated instances tried the effect of propositions in vain. In the case of Mr. Rose and Mr. Erskine she had stated *her terms*, and as soon as they were known we had demanded *something higher* which she could not grant—besides, as the last proposal came from *her* and we had *rejected* it, she had a right to expect a proposal from us."

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## No. IX.

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*Mr. SMITH's misrepresentation of Mr. JACKSON's Letters continued:—and some Remarks upon the Principles pretended to be set up by Great-Britain against the United States.*

WE pass now to the examination of the *last charge* preferred by Mr. Smith against Mr. Jackson :—

*"That he had been instructed to insist upon the three conditions of Mr. Canning, which had been declared by our Government inadmissible."*

As this charge is still persevered in, and as it is made the chief cause of complaint against the British nation, it is of great importance to ascertain whether Mr. Jackson was directed to persevere in these claims; recollecting, however, that there is abundant evidence that our Government authorised Great-Britain in the *first* instance to expect they would be conceded.

Mr. Jackson in his first letter of Oct. 9th, in answer to this charge explicitly declares, *"That he was not authorised to renew these proposals which had been found to be unacceptable to us, and that he could not have made such a proposal inasmuch as it would be inconsistent with his other declaration, that he was not instructed to make any proposal whatever on this subject, but to await the propositions which our cabinet might see fit to make to Great-Britain."*—Mr. Smith, in his answer to this positive and explicit, clear and unambiguous declaration, that Mr. Jackson was not directed to persevere in these claims, replies, *That he perceives that any agreement on this subject must include a stipulation on the part of the United States to relinquish the trade with the enemies colonies even in branches not hitherto interrupted by British orders for capture, and also a sanction to the enforcing of an act of Congress by the British Navy."*—Mr. Smith adds, *"That a known determination on the part of his Britannic Majesty to adhere to such extraordinary pretensions would preclude the hope of success in the negotiation."*

It is impossible to conceive of a more palpable contradiction, or a more unfair representation; and one can hardly conceive any other motive for such conduct than the wish to produce, not only a collision with Great-Britain, but a prejudice in the minds of the uninformed part of the people of the United States.

Mr. Jackson would have been justified in replying to this insult in warm and intemperate language; but he did not lose sight of the dignity of his office, and the interests of both countries to preserve a good understanding. To this flat contradiction he modestly replied, in his letter of October 23d—

*"That his government ordered him not to renew proposals which have been already declared here to be unacceptable, but to receive and discuss proposals on the part of the United States, and eventually to conclude a convention between the two countries. It is not of course intended to call upon me to state as a preliminary to negotiation, what is the whole extent of those instructions."*

From this mild and temperate answer it follows, that he was not instructed to insist upon the offensive conditions, but that he had a full power to conclude a treaty, of which though he could not *before hand* state the utmost limits, yet it was fairly to be inferred they were *far short of the conditions* which had been declared offensive, and upon which he was not authorised to insist.

So far we have unequivocal proof of the anxiety of Great-Britain to close with *us upon any terms* ; and this disclosure of her disposition, and of the full powers of Mr. Jackson to conclude a final adjustment of all differences, produced the very laconic and insulting letter from Mr. Smith, which put an end to the conferences.

In answer to the *second solemn asseveration* of Mr. Jackson, that Great-Britain insisted on no conditions which our Government had deemed inadmissible, Mr. Smith replies on the 1st of November—

*“ That it is understood that his Majesty perseveres in requiring as indispensable conditioins an entire relinquishment of the colonial trade, and also a permission to the British navy to aid in the executing a law of Congress.”*

This it has been shewn was absolutely false ; and one would naturally expect to find no small degree of temper in Mr. Jackson’s reply—but he cautiously abstained from imitating the indecorous example of Mr. Smith :—Reciting, therefore, at large this offensive clause in Mr. Smith’s letter, he says—

*“ This same statement is contained in your letter of the 9th inst. and represented as the substance of our previous conferences. In my answer, I took the liberty of shewing that such a supposition was erroneous, and I have looked in vain to my letter of the 23d to find any suggestion of that nature. I believe, therefore, that by reference to my two letters you will find that the STATEMENT NOW AGAIN brought forward is contained in neither of them, that it made no part of my conversations with you, and that I have in no way given room to suppose that I ever made such a statement at all.”*

Our language, though remarkable for its strength, does not furnish the means of a more direct and positive denial of a charge ; and one would have supposed it impossible for any man, with honest views, to persist in it after such unequivocal declarations. But Mr. Smith and Mr. Madison have disappointed us—they rely more upon the folly and blindness of their partizans than one could have conceived to be possible.

In spite of all this evidence we are still told, with the most unparalleled indelicacy, that Mr. Jackson was directed to persist in pretensions which our government had repeatedly declared to be inadmissible.

In reviewing the whole correspondence, we discover this to be the result, that Mr. Jackson was *not* authorised to insist on the conditions stated in Mr. Canning’s letter, although they were known to have been previously agreed to by our own officers ;—that on the contrary, he was ordered to receive our proposals and *fully empowered* by special authority to conclude a treaty on such terms as should be mutually advantageous ;—and further, that the events of the war had rendered the conditions stated in Mr. Canning’s letter less important to both parties, and therefore it was to be expected that Great-Britain would more readily consent to



*modify them.*—All this is stated by the British Minister ; and although from our reception of all former proposals he could not see any benefit, nor could he be expected to state before hand the full extent of his instructions, yet from what he intimates it is unavoidably to be presumed he was directed to agree to something more agreeable to us than the former conditions.

It was precisely the discovery of this *full power* and of this disposition to concession, which produced Mr. Jackson's dismissal. Let any impartial man peruse this whole correspondence, and he will find an invariable disposition to seek an occasion of collision on the part of our cabinet, and as sedulous a desire on the part of Mr. Jackson to avoid it.—One thing he must particularly notice, that although Mr. Jackson's offensive insinuations (if any man can discover them) must be found in the early part of the correspondence, yet there was not the slightest intimation of discontent on our part until Mr. Jackson's letter of the 23d of October disclosing his full powers and removing every possible obstacle to a final, full and satisfactory adjustment.

It is then proved, that the sharp, irritating *introductory letter* of our Secretary of State, comprising four articles of charge against the British Minister, was perfectly refuted in the subsequent correspondence ; but notwithstanding the British Minister's allegations they were offensively adhered to. I anticipate, that those outrageous partizans who exclusively arrogate to themselves the virtue of patriotism, will here interrupt me by saying, that the declarations of our Ministers are more to be relied upon by a True American than that of "*Copenhagen Jackson.*"—I grant every thing on this subject to national prejudice—I agree, which is as much as can be asked of me, that on an indifferent subject, Mr. Jackson, though supported by *fact and evidence*, is not to be credited by an American Patriot in opposition to Mr. Smith unsupported by *any* proof ; but still I must humbly contend for the peace of our country, for the avoidance of the horrors of war, that where the point of *discordance* consists in what are or are not the *pretensions upon which Mr. Jackson does insist*, that his declaration solemnly repeated as to the *extent of his pretensions* is *conclusive evidence* of those pretensions.

We shall now state one or two other instances of Mr. Smith's offensive, and as far as we can see, unprovoked harshness towards Mr. Jackson, the representative of his Britannic Majesty.

Mr. Smith, most unaptly and unfortunately, had cited a case from Vattel, to shew that Great-Britain had no right to reject the arrangement with Mr. Erskine.—That case was, unhappily, most directly against *our side* : It went to prove, that "where a bargain was made by a minister in virtue of *full powers* it could not be rejected without *solid and weighty* reasons."

Mr. Jackson turned *both* parts of this quotation against Mr. Smith, and with unanswerable force :—



1st. *That Mr. Erskine had not as Mr. Vattel supposes in his quotation, full powers.*

2diy. *That his Majesty had solid and weighty reasons for the rejection—to wit, the total violation of instructions—the failure to obtain any of the conditions or objects expected by the agreement.*

How does Mr. Smith reply to these forcible objections?—By a sarcasm which partakes as much of temper as of weakness.—

*“I understand, Sir, (says he to Mr. Jackson) for the first time, that you object to Mr. Erskine’s want of full powers. If that be an objection, the same applies to yourself, and we ought not to have heard you as long as we have done, because you have exhibited no full powers.”*

This was an admission of the principle ; for if it had been true that a minister plenipotentiary *ex officio* had a right in all cases to bind his sovereign, it would have been the most natural, the most perfect, and certainly a less insulting answer.

But Mr. Smith’s reply was defective on *another* ground, as proved by the correspondence between Mr. Jefferson and Mr. Hammond, cited by me in a former number :—For though a *full* power is requisite to *conclude and sign*, yet a general letter of credence is sufficient to negotiate. Thus in common life we are satisfied to make a bargain with a *reputed attorney*, but when we come to take the deed or contract, we require and we examine the letter of attorney—In this case Mr. Jackson was only paving the way to a treaty :—It was therefore premature and indecorous to demand his powers :—It was still more than that to demand them in so taunting a manner ;—but, what is still worse, Mr. Jackson declares that he had *long before* this verbally stated to Mr. Smith that he possessed such full powers. To these very irritating remarks of Mr. Smith’s, which one would have expected would have roused the utmost resentment of a *haughty man*, as Mr. Jackson has been represented by our democrats, he *calmly* replied, in his letter of the 4th of November—

*“That he was surprised at the transition by which it appeared to Mr. Smith that this part of the subject was connected with the authority empowering him to negotiate with Mr. Smith. It will not, (says Mr. Jackson) escape your recollection that I informed you, at a very early period, that in addition to the usual credential letter his Majesty had been pleased to invest me with a full power under the great seal of his kingdom, for the express purpose of concluding a treaty of convention. I well remember your testifying your satisfaction at the circumstance, and I now add, that whenever it suits your convenience I am ready to exchange my full power against that with which you shall be provided for the progress of the negotiation.”*

Thus we see that the lacerating taunt of Mr. Smith was not only unprovoked, but in face of a positive knowledge, that Mr. Jackson was furnished with *special and plenary powers*.

One would imagine that it would be impossible, in a free country, a country enjoying the privileges of the press, for a Minister to question, after such a declaration, Mr. Jackson's powers, which such Minister had a right at the *very moment to demand and examine*.—But we shall find that it is more easy to palm off an imposture in this Enlightened Country, than we could imagine;—and the result of this affair will shew, that even when detected, its effects on the authors of it, will not be perceptible, unless it be to raise them in the estimation of their devoted partizans.

*After this offer of Mr. Jackson to shew his full powers, Mr. Smith says in his letter to Mr. Pinkney, of Nov. 23.*

*“That although Mr. Jackson had given us to understand that the ordinary credentials, such alone as he delivered, could not bind his government, in such a case, his proposal had neither been preceded by, nor accompanied with the exhibition of other commission or full power.”*

In this paragraph two ideas are endeavoured to be conveyed—

1st. *That Mr. Jackson's objection to Mr. Erskine's ordinary credentials as the foundation of a treaty, was an unfounded one, although Mr. Smith and Mr. Madison must know that it was perfectly correct and supported by our own conduct in the case of Mr. Hammond.*

2dly. *That Mr. Jackson really had no other power because he had not exhibited any.*

If any man, after reading the above, can find any means of getting rid of a direct and indecent contradiction, we shall, for the honour of our Cabinet, be happy to see them pointed out.

Amidst these charges of perfidy and falsehood, advanced so liberally against the British Cabinet and Minister, one loses sight of a great number of offensive and rude clauses and injurious suggestions. It would be hardly worth our time and the public patience to notice the strong and offensive paragraph which notified Mr. Jackson of his indiscoverable and indescribable offence; but there is one sentence which, for the honor of our country, I hope, (some one will be able) to explain differently from its apparent meaning. In Mr. Smith's letter (page 81, of the printed documents) he thus writes to Mr. Pinkney—

*“You will perceive that throughout the early stages of the correspondence, this case (that of the Chesapeake) was in some respects improperly confounded with, in other improperly separated from that of the Orders in Council.”*

Now in the name of candour, what course was Mr. Jackson to take? If he connected it with the Orders in Council, it was *improper*:—If he separated it from them, he was equally in fault. Is it not then clear that Mr. Jackson could not satisfy our government at any rate? This we have long known, and this the present documents prove beyond all contradiction.—They who run, may read it—and even the blind may perceive it.

We have now finished this part of our subject—and we flatter ourselves redeemed the pledge we had given to the public. It is obvious from what has been said, that Great-Britain adheres to no offensive propositions in relation to her Orders in Council :—That those Orders rest, as they always have done, on ground which our own Government have admitted to be correct in principle, that of retaliation on her enemy :—That Great-Britain was willing to repeal them on the terms which her Minister assured her were *proposed* by us :—That finding we would not admit them she will not renew or insist upon them—that Mr. Jackson's reasoning upon them in his letters is simply to convince us that they are *not now important* to either *them or us* :—And the fair inference is, that when we propose any terms short of them, and yet amounting to a *resistance to the French decrees*, Great-Britain will accept them. That she had a right to expect as *much as this* from us is certain, because Mr. Jefferson told Congress, and his party boasted *last year*, that we had made her *such an offer* ; Such an offer, however, *never has been made* and *never will be* : and the discovery that Mr. Jackson will agree to such a *proposal*, is the true reason why the negotiation is now broken off.

If then, as it appears, Great-Britain does not insist upon any pretensions as conditions for the repeal of her orders in council to which we cannot subscribe ; if she places it *simply on the ground* of an effectual resistance to the decrees of France, which we have voted shall not be submitted to, let us examine if there are any other pretensions of her's which should be a barrier to an *accommodation*.

Let us here premise, that in national controversies where there is neither judge, jury, nor umpire, perfect justice is not to be expected. Neither party ought to expect, however they may *claim*, to obtain *every* thing they may deem right. Something ought on both sides to be sacrificed to harmony ; and the nation which insists upon the attainment of *all* its pretensions cannot be considered as being honestly desirous of peace.

Mr. Madison tells us that Great-Britain in the affair of the Chesapeake insists upon pretensions which had been declared inadmissible. As this is the only point on which Great-Britain makes *any pretensions*, or insists on any *conditions*, as we have shewn, and as she most *certainly does in this case* insist on two preliminary points, it is important to see how far these are unreasonable, and how far they are good causes for hazarding our peace.

1st. She insists, "*That in the record of the satisfaction which we shall agree to accept, a memorandum shall be made that our Proclamation interdicting the entry of British ships of war has been repealed.*"

This Mr. Madison in his covered language entitles, "*A demand that the first step should proceed from us.*"



This is not so. It is now admitted on all sides that the act of the British Admiral was unauthorised ; and of course his Government were only responsible for disavowal and reparation.

The law of nature, of nations, of common courtesy, and the common law of the land, all require that in *such a case*, a recourse should first be had to the Master of the offending servant, and after he refuses to do justice reprisals may take place.

In this instance we took the reparation into *our own* hands : *We* inflicted the first punishment :—*We* deprived Great-Britain of her rights ; for it was her right to enter our ports so long as her enemy was permitted so to do.

It was pretended that this was a mere measure of precaution :—If it were so, it ought to have been revoked as soon as Great-Britain declared her disapprobation of the act of her servant. No danger any longer existed any more than at the moment when we suffered the proclamation to expire.

But with Great-Britain it was different. It was absolutely impossible for her to *offer any terms* whatever so long as this rod was held *in terrorem* over her head. On *this point* Mr. Rose's mission terminated. And let us ask every man of honour, if compensation was demanded of him for any act of his servant's, whether he would give it while the complaining party threatened to chastise him ?

Between nations this is impossible : And of all the nations in the world, and of all the administrations which ever existed in any nation, ours, one of the most captious, ought to be the last to find fault with this objection.

It is, I confess, truly a *point of honor* ; and the only question is, Which is right ? I admit that neither party which is in the right, ought to sacrifice this point of honor, unless for the sake of preserving peace, which is more interesting than any point of etiquette. But in this case *we can* acknowledge the repeal of the Proclamation without dishonour, because *we* never pretended that it was a hostile measure ; but on the other hand, Great-Britain, who considered it *an insult*, could not agree to treat with us without a formal acknowledgment of the repeal. But, says Mr. Smith, this adherence to punctilio is the more unreasonable in Great-Britain, because it was well known that the Proclamation had *expired of itself*. He was I think not aware of the natural answer to this, which would have been made if he had not sealed Mr. Jackson's lips, that if the Proclamation had *expired*, there could be less reason for a *nation disposed to peace* to refuse to *note that fact* in the proceedings. And why this delicacy on the part of Great-Britain ? Because she could not *compensate* us so long as the record of so hostile a measure remained against her.

The only other inadmissible pretension of Great-Britain which our Cabinet urge is,

*The reservation of Great-Britain, that she will not pay the bounty to such of the sailors wounded in the Chesapeake, nor will she re-*



turn such of them as she has taken, who may appear to have been deserters from his Majesty's service, or natural born subjects of his Britannic Majesty.

Now without entering into the question so fully settled by the American people, that they will not go into a contest for *British sailors*, we would simply remark, that an objection of this sort comes with a very ill grace from a Government, one of whose captains last year entered the British territories, seized a school-master as a deserter in the act of giving instruction in a peaceful village, shot him dead upon the spot, and to which officer, after a formal Court Martial, his sword has been returned with honor. If this does not amount to a *claim of deserters*, we confess we do not know what does.

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## No. X.

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*Mr. MADISON's conduct towards France, and that of France towards us. The authors vindication and conclusion.*

*"France has ships, and we have men."*

*Mr. JEFFERSON.*

*"France wants money, and must have it."*

*Mr. MADISON to Mr. RANDOLPH.*

FROM the authors of such sentiments, one would not look for any exhibition of impartiality, or for any expressions of indignation towards France, for her accumulated wrongs—but from a man of Mr. Madison's prudence and talents, one would have expected some appearance of decorum, some shew of independence, some token of an insincere desire to preserve a nominal impartiality. In reviewing the President's late message, with its accompaniments, we are astonished to find the mask which even Mr. Jefferson designed to wear, superciliously thrown away.—Mr. Madison, secure of his office and of his popularity, disdains any labour, even to save appearances, and while his speech breathes nothing but hostility, and war towards Great-Britain, it is worse than silent as to the wrongs, the injuries and insults of France.

The proofs of this partiality have been too long and too fatally felt, to require a very minute display of them at this moment. I shall confine myself to a few instances which have recently occurred. The documents which accompanied the President's message, furnish the first proof. While the correspondence with the British Cabinet and our complaints against Great-Britain, occupy EIGHTY EIGHT pages, all the evidence of our intercourse with France is comprised in *seven*. While *every document* in relation to the British controversy is communicated at *large*, even down to the notes of the Secretary of Legation, while some parts of Mr. Erskine's letters are extracted and published *twice* in the *same* pam-

*phlet* in order that in *one form or the other* they might be sure to meet the publick eye, some of the publications of the letters of Gen. Armstrong to our Government, and of Mr. Champagny to General Armstrong, are mutilated *extracts*, and the most material parts are *suppressed*. This is not all—*whole* letters and the *whole history* of our late Negotiation with France are kept behind the curtain.

This conduct is the more unpardonable, inasmuch as the publick expressed its just indignation and its merited jealousy on the attempt to suppress the *French Documents* last winter—How did we in *that* case obtain a disclosure of the disgraceful nature of our Negotiations with France? By the voluntary exhibition of the Executive? No. The suppressed documents published in Boston, dropped down upon us we know not how—the light flashed upon us, we know not whence!

And are the American people to be always kept in this state of palpable blindness? Are our Negotiations with France, *such* deeds of darkness that even when all hopes are gone, when abortive, when dead born, they are to be buried without examination?

If such shameless suppressions would have answered in *ordinary* times, shall we submit to them when we are called upon to take the solemn alternative of *war* or *disgrace*? Shall we see the gauntlet thrown to Great-Britain, under the pretext of *insults* which we *cannot perceive*—shall we see her envoy dismissed, while clothed with full powers to complete an adjustment, declaring that he is not ordered to insist on pretensions which we have deemed inadmissible, but is ready to receive and discuss our own proposals, and yet not be allowed to examine the conduct of France, with whom both our own and their minister allege the door of negotiation is for ever closed?

The publick have been amused the *last summer*, with repeated messages to France—several vessels have been despatched thither—did they not carry remonstrances, demands, or proposals? If so, where are they? Why are they *suppressed*? While a negotiation is pending, reasons of state may require secrecy—but this is not the case. General Armstrong, in the mutilated extract of his letter of 16th Sept. last, declares that Mr. Champagny's note, which I shall presently consider, is "*a definitive answer to our proposals.*"—This note is not only definitive, but it is insulting in the extreme. It is not only a *flat refusal*, but it is a most cutting and sarcastic taunt. Why should we not know then what *these proposals* were, which Mr. Armstrong says he has made? If they were reasonable and moderate, our resentment ought to be the more excited against France. Why then attempt to rouse the passions altogether on one side? Shall it be said that as we mean to join one party against the other and not to *fight both*, we ought to suppress the wrongs of our intended ally in order to make our Union more solid and complete? But the people have not yet decided *which* party they will *join*, and they wish to have the whole conduct of both displayed fairly by the Government.

If the Government continue to smother the wrongs and injuries of France, the People will *state an account* for themselves—If Great-Britain be charged by Mr. Madison, with perfidy because she refused to ratify the act of an unauthorised agent made in violation of his instructions, which *were, we admit in substance* made known to us.—The people will not forget that with Napoleon Bonaparte we have made a treaty signed with his own sign manual, which guarantees to us the right to carry even British goods on British account—a treaty which declares that no blockade shall be laid by either party unless the same be actual—the people will not forget that it is not even pretended that we have violated this treaty—it is not even suggested in Mr. Champagny's *most impudent* letter. Like the treaty before made with France, in which we were told that France “could only find a real disadvantage in adhering to the terms of the treaty,” so Mr. Champagny tells us, that the Emperor's decrees are the effect “of the *necessity of reprisals which circumstances impose.*”

It is alledged by Bonaparte's good friends in this country, that the French decrees are *retaliatory* merely. Grant them this point *solely* for the sake of *argument*. Still France is *perfidious*, because in Nov. 1806, when her Berlin decree passed, Great-Britain did not enforce any *principles* but what she enforced when our treaty with France *was made*. If, then, with the knowledge of the British rule of 1756, and of the British rules of blockade, she stipulated to permit us to carry British goods, and *never to stop us* by nominal blockades, she is guilty of base perfidy by her Berlin and Milan decrees.

If we are told that Mr. Jackson, the British envoy, insulted us, by repeating in nearly the same words a concession made by Mr. Smith, our own minister, what shall we say to Mr. Champagny's haughty note in which he puts an end to all our negotiations, by announcing his Imperial Majesty's “invariable determination?”

To our complaints, that our treaty had been violated, our ships captured and seized in French ports, and on the high seas, to the amount of twenty-five millions, our seamen imprisoned as enemies, our vessels burnt without any form of trial, and our property confiscated in neutral countries, Mr. Champagny replies by a discourse on the *Emperor's morality*. Irony of this sort to a bleeding, suffering, and insulted nation, would have roused the Roman pride or the feelings of our fathers—as well might the abandoned female in a brothel deliver a discourse upon modesty, the pick-pocket address a sermon upon integrity to the man whom he had plundered, or the murderer boast to the expiring victim of his revenge, the gentleness and suavity of his character.

Yet Mr. Madison communicates this most insolent letter to Congress with only the equivocal remark, “that the *posture of our affairs* with France does not correspond with the measures taken on the part of the United States to effect a favorable change.”

But let us be a little more explicit upon the insulting nature of this letter.



In 1806, Bonaparte, in violation of our treaty with him, declared the British islands in a state of *blockade*.

He could not do this by way of retaliation *justly*: 1st Because Great-Britain did not *then* enforce any principles which she had not enforced during the whole war, and at the moment of our treaty with France.

2dly. Because we had not violated the treaty on our part.

3dly. Because there had been no previous complaint to us, nor any demand that we would *resist* any pretensions of Great-Britain, all which would be requisite to make the retaliation *just*.

It was, in fact, avowed to be the consequence of a resolution of Bonaparte to *destroy* Great-Britain by the destruction of her trade.

We remonstrated against these French decrees, and Mr. Armstrong so early as 1807, declared to Mr. Champagny, "that to appeal to our treaty or the law of nations as it respects France would be literally *appealing to the dead*."

This was *the right sort* of spirit. What is Mr. Champagny's answer to this remonstrance? As if France had been *an angel in purity*, and as if she had not been the confessed *aggressor*, he replies, "The right of pretension of blockading by proclamation, rivers, and coasts, is as monstrous (*revoltante*) as absurd."

When we had been persevering in our remonstrances for this *very* conduct for three years, we are gravely told, that such behaviour is very provoking and very unjust, and that France is in *principle* exceedingly *opposed* to it. This cost France one hour's labour, of Mr. Champagny, and the expense of the paper and postage, which is well repaid by twenty-five millions of our property seized upon this *very principle*.

Again—In 1807, a French Admiral seized a number of American vessels on the ocean, and *burnt them* without *trial*. This was the first time such a practice had ever been attempted.

Mr. Armstrong mildly remonstrated, or rather asked, whether it was understood that France *countenanced* such an unheard of proceeding?

We had no answer to this demand till this letter of Mr. Champagny, who sarcastically tells us, "that a merchant vessel is a *moving colony*, to do *violence* to such a vessel by searches, visits, or other arbitrary acts of authority, is to violate the *territory* of a colony."

#### COMMENTARY.

It appears then that though the French will not allow the principle of searching or visiting a merchant vessel, they make no scruple to *burn the colony* of a neutral state, and to *sink the territory* of a friend. They have made a still *better* reply to Mr. Armstrong by issuing *new orders*, to *burn every* vessel which would not bear the expense of carrying in—which orders have been actually executed in several instances.

Yet Mr. Madison is silent as to both these *modest replies* of France.



Still *further*—On the 24th of November 1806, an order was passed by Bourienne, minister of France at Hamburg, that all English merchandize, *to whomsoever belonging*, should be confiscated. Similar decrees were issued in the free cities of Lubeck and Bremen by France. In August, 1807 the same thing took place at Leghorn, and on the 19th Sept. 1807, in the Papal territory. Bona fide American property was seized under these decrees upon *land in neutral and friendly states*.

Mr. Madison directed Mr. Armstrong to complain of this conduct, and the first and only answer we received after waiting three years is in these words—"In *all her conquests* France has *respected private property*—The warehouses and the shops have remained to the owners."

It would strike any person as fabulous who did not understand the French diplomatic character, to hear that any man could have the audacity to reply to the *very person* who had so often complained to him of the seizure not of *private* property, merely, but of *neutral* property—not in an enemy's country solely, but in a *Friendly* state, "that France respects even an *enemy's private property* in an *enemy's* country."—Mr. Armstrong should have replied that if that was *true*, it would be better and more safe to be the *enemy* of France than her *friend*.

But as applied to her *enemies*, the falsehood and effrontery is not the less palpable—Have we forgotten the *Bulletins* issued after the perfidious entry into Spain, in which the Emperor boasts of his having obtained 50,000 bales of Spanish wool?—From whom was this seized? From Individuals, his *allies*, the *Spaniards*, whose only crime was their loyalty to their legitimate sovereign, whom Bonaparte had perfidiously kidnapped and violently dethroned—Have we forgotten his profaning the altars of the Almighty, and sacrilegiously robbing the sanctuaries of the Most High? Will he with his infidel spirit, contend that this was not *private property*, and therefore was the fair object of plunder? We have not forgotten the robbery of the *sacramental plate* in Portugal, and the indignation which it produced in the minds of the Portuguese, when the fortune of arms put these robbers into the power of the injured and indignant sufferers.

We should do injustice to France, however, if we omitted to notice one instance of her *frankness* in this communication of Mr. Champagny.—He assures us that when France shall have regained her Maritime power, when she shall be able to render her mandates universally respected, she will respect the liberty of the seas in *as great* a degree as she does the liberties of the nations *whom she conquers* on land!!—We have then the *rule* of her justice—she will regard the rights of private property on the *ocean* as much as she has heretofore done upon the *Continent*!!!

There is one other idea upon this point which we would present to our readers before we quit this subject, and which may account for the tameness of the language of Mr. Madison.

Before our *Embargo* was imposed it will be recollected, that Gen. Armstrong stated to the Americans in France, that such a measure would undoubtedly take place in America—Letters from France and Holland from private Merchants to their Correspondents in this Country, confidently spoke of such a measure before it had been even suggested in our country—A despatch vessel arrived from France, and in three days after the embargo was imposed—Mr. Masters, a democratick member of Congress, declared, “that the hand of Napoleon was in this thing.” Our venerable watchman, Col. Pickering, suggested to us the same idea—we now have the proof that *it was agreeable* to France from this letter of Count Champagny—He declares “that the Emperor *applauded* this *generous* determination of renouncing all commerce rather than acknowledge the dominion of the tyrants of the seas.”

A like omen, and a similar prophecy has occurred in the *present* case—A Senator of France, in a recent publication in France, has declared “that the United States are about to join the general coalition against Great-Britain—that as a pledge of that intention, their New Ambassador had reached Copenhagen, and that Mr. *Jackson* had been dismissed.

It is a *singular fact* that a vessel from France did arrive in the United States, and her despatches from our minister in France *did reach* Washington about two or three days before the dismissal of Mr. Jackson.

That such circumstances should so frequently *concur*, is to every impartial man extremely suspicious, and we can no longer wonder at the *suppression* of all the late negotiations with France, and the studied silence of Mr. Madison on that subject.

Having now finished the developement of the subject which I had originally proposed, it remains for me to vindicate the motives of this public appeal against our own administration.

It would be affectation to conceal, that so deep rooted are the prejudices of our citizens against any impartial display of the questions between us and Great-Britain, that any writer who may undertake it, however pure may be his motives, and however well founded his arguments, is sure to incur the most violent invective from *one class* of citizens, a cool disapprobation from another, and but a *feeble and timid* support from the rest.

This is inevitable from the nature of our government, in which it will be always an unwelcome task to stem the popular prejudices; that our citizens have strong antipathies against Great-Britain, and are indifferent to the insults and injuries of France, the history of the last twenty years most abundantly proves.

The writer of this examination cannot, he *does not* hope to turn the current of these prejudices. It would require more *than mortal* power to arrest the progress of such inveterate prepossessions. But there are moments like the present in which the imminence of the danger may rouse the thoughtless, and stimulate the lethargick. Even *truth* may at such a period hope to find a *reluctant admission*.

I do not address those base and sordid minds who deny the RIGHT of a citizen of a free country to address the understandings of his fellow countrymen at such critical moments, upon questions between ourselves and *foreign nations*—Such men are formed and fitted only to be *slaves*. In this respect many, if not most of our people are several centuries behind their ancestors the *British nation*, in the estimation of the people's rights.

In Great-Britain, that land of slavery and corruption, as our sons of liberty call her, the press has no such restraint—not only in the periods *preceding* a war, but during a *war itself*, the opponent of that war can, with impunity, and without censure, question the justice of the cause, and denounce the motives of the administration which brought it on.

Who will dare to question the virtue of Col. Barré and Mr. Burke, or of lord Chatham, in their opposition to the *American war* or in their severity towards the ministry during *that war*?

What democrat in our country ever censured Mr. Fox, whose speeches they published and praised for his hostility to the war against France both *before* and *after* its commencement?

And, in more recent instances, who censured lord Grenville, Mr. Baring, or Mr. Brougham, for their attack on their own ministry in the questions between us and Great-Britain?

*Base* indeed, and worthy only of being the *slaves of a Tyrant* must be those men who would so far degrade our national character, as to contend that we are *unable* to hear both sides of the question without *hazard*. If, as those people pretend, our arguments and our remarks are proofs of our devotion to another nation, and of our contempt or disregard for our own country, why not expose us to contempt and execration by *republishing our essays*? Are the people not as capable of judging as *these venal editors*!

But there is another class of people who are entitled to more respect, and who enquire, what is the benefit derived to our country, by exhibiting the unsoundness of the principles of *our own* administration pending a controversy between us and foreign nations. We answer, our government, like that of Great Britain, is a government of opinion, that opinion when once well ascertained ought to and must govern our rulers—this is the very foundation of a free government. But how is this opinion to be formed or to be known? A member of Congress does not correspond with ten persons out of fifty thousand of his constituents—It will be said that he carries with him their sentiments, but suppose a question arises like this of Mr. Jackson after he leaves home, how is he to know the public feeling? We answer—Through the medium of the press—that palladium of our rights.—Is all the zeal which we have displayed heretofore in favour of the Liberty of the *Press* mere pretension? And shall we renounce its privileges at the very moment when alone they become important? In times of peace and quiet, it is very immaterial what the press does or does not



inculcate ; but in times of danger and turbulence its value is felt : shall it be, then, restrained when it is most wanted ? Shall we be permitted to discuss who shall or shall not be constables or clerks in a petty village, and be denied the discussion whether our country, our lives, and our fortunes shall be put in jeopardy by an unnecessary war ?

This doctrine of the Liberty of the press is *strangely managed*. When the public papers in the case of the Chesapeake, and of the first unfair and false promulgation of the pretended insult of Mr. Jackson, took side with the government, we were *then* told they were the vox dei, and not to be resisted. "The people have *willed it*," said the National Intelligencer, "and it must not be opposed." But when these same public presses, recovering from the panick, and the effects of misdirected passions, began to express a different opinion, they were denounced. The sentiments of more sober thought were declared to be the offspring of seditious opinions.

The motives of the foregoing writings were these—It was believed that there was a manifest disposition to bring about a rupture with Great Britain ; it was perceived that the documents furnished no new and no *plausible* occasion for it ; it was known that our members of Congress left their respective states before this state of things was understood, and it was deemed important to let them know in what light these despatches, and the late conduct of our government, were viewed *here*. It was found, moreover, that the dismissal of Mr. Jackson might be followed by a declaration of war against Great Britain, and that the best mode of avoiding such a calamity would be by uniting the people and the legislatures of the states, the most opposed to such a disastrous measure, in *legal and constitutional* means of averting it. It was, and it is still hoped, that if petitions should be presented at the foot of Mr. Madison's throne, he may revoke his determination as to the rejection of the Envoy of his Britannick Majesty. It is also hoped that Great Britain, notwithstanding the rejection of her Minister on *frivolous* pretences, which is the usual prelude to war, will yet be diverted from adopting, as a precautionary step, the seizure of our vessels and property, an event which *would certainly lead to a war*, much to be deplored on both sides.

The only hope entertained by the writer of this article, is derived from the belief that Great Britain understands the policy of our Cabinet—that while their feelings and wishes are all on the side of France, they do not choose to *hazard their popularity* by an unjust and unfounded war against Great Britain—that a majority of the Eastern States, and two fifths of the others, are opposed to a war on such flimsy grounds as have been yet brought forward, and so long as much deeper, more aggravated wrongs remain wholly unatoned for by France.

We hope she knows farther, and we are sure she estimates more seriously the great interests of liberty—that the preservation



of America from the grasp of France, is vastly more important than any smaller consideration, and that much is to be endured rather than to suffer such an event to take place.

She will not we are persuaded permit herself to mistake the temporary policy of the democratic party, for the real interest and feelings of the American people. She will recollect that Great Britain had her long Parliament, and her Cromwells, and France her Robespierres and Marats, but that such ephemeral appearances are no indication of the general course of National policy.

It is hoped and believed that the promise made by the writer has been in some measure fulfilled. That it has been shewn that we had a right to expect such a negotiation and such an issue from Mr. Madison's former character.

That the arrangement of Mr. Erskine was concluded, *mala fide*, without demanding his powers, knowing that such *as he did exhibit* were violated, and accompanied with such affrontive expressions as rendered it certain it would not be accepted.

That Mr. Jackson is chargeable with no insulting expressions which we can discern—with no indecorum towards our Cabinet, but that the most harsh and indecorous language has been adopted towards *him* by our Secretary of State.

That the British Minister and British government have both been charged with the most improper conduct in this late negotiation, without, as far as we can discern, the slightest evidence.

On the contrary, that the most injurious conduct and the most insulting insinuations from France, have been wholly overlooked.

We owe an apology to the publick for the very incorrect form in which these ideas are conveyed. It has been our endeavour to present a perspicuous view of the subject, rather than to exhibit it in an enticing dress. We are aware that many imperfections and inaccuracies will be found in the style, but they have arisen from the strong desire which was felt to present this interesting subject at an early moment to the publick.

## APPENDIX.

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### \* *Important Note to the Diplomatick Conduct of Mr. Madison unveiled—No. IV.*

#### *Full Powers of a Minister necessary in addition to his letters of credence.*

TO prove that the ideas suggested in this number, of the total incompetence of a general letter of credence to authorise the conclusion of a treaty, are not only correct, but founded upon an *authority which will not be controverted* by the United States or by Mr. Madison, I shall insert the correspondence between Mr. Jefferson and Mr. Hammond on this subject.

I think this the more important, as an idea has been circulated in this town, founded, as it is pretended, on the authority of Mr. John Quincy Adams, that our government had no right to demand Mr. Erskine's special powers; and that it would have been insolent in them so to have done. Let those who have been influenced by this opinion, read the following letters, and then answer how Mr. Madison could be justified in not demanding Erskine's *full powers*; and how he can, with any decorum, object to the disavowal, by Great-Britain, of an Act, not merely unauthorised, but contrary to positive Instructions.

“ *Philadelphia, Dec. 13, 1793.*

“ Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister *Plenipotentiary* of Great-Britain.

“ SIR—I have laid before the President of the United States the letters of Nov. 30th and Dec. 6th, with which you honoured me, and in consequence thereof, and particularly of that part of your letter of Dec. 6th, where *you say* you are *fully authorised* to enter into a Negotiation, for the purpose of *arranging* the Commercial Intercourse between the two countries. I have the honour to inform you, that I am ready to receive a Communication of *your full powers* for that purpose, at any time you may think proper, and to proceed immediately to their object. I have the honor to be, &c. &c.

T. JEFFERSON.”

Mr. Hammond, in his reply, says, he is only *instructed*, not *empowered* to conclude a treaty; but he coincides in the principle, and adds, that as he is a Minister *plenipotentiary*, and is *instructed*, he thinks it sufficient “for the commencement of a *preliminary* negotiation.”

It will be observed that Mr. Hammond had been before *accredited* as a *Minister Plenipotentiary*.

In proof that Great-Britain adheres to the same principle which Mr. Jefferson set up in 1793, against a British Minister, we find that Mr. Jackson, in addition to his *letters plenipotentiary* is furnished with a distinct set of *full powers*, and offered to shew them, but our Cabinet declined to meet his offer.

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### NOTE I.

IN perusing again the very extraordinary letter which Mr. Smith addressed to Mr. Pinkney on the subject of Mr. Jackson's negotiations, after that minister was silenced by the imperative order of our Cabinet, there are several other instances of misrepresentation which exhibit no ordinary share of meanness under the restricted situation of the British minister—One cannot refrain therefore from considering this letter as an appeal to the passions and prejudices of the people in a case where the display of the whole truth was dreaded.

The first, that occurs to me, is the *passionate recital* of the affair of the Chesapeake—To whom was this addressed? To Mr. Pinkney who had been made acquainted with all the facts and all the arguments, two years since, by Mr. Madison, Secretary of State—Why then repeat them? Why repeat them with that sort of colouring, which if not a deviation from truth in itself, is intended to produce false impressions in others? Why repeat, that the three sailors detained from the Chesapeake were *all American citizens*, when the Government took depositions in the county of Bristol in Massachusetts, and *know*, that one of them, Daniel Martin, was a native of Bonaire in Spanish America; that although once bound an apprentice in this state, he absconded, and *voluntarily entered* the British service—To repeat after this fact was known, that this man was a citizen was little short of falsehood—Why omit to acknowledge that the seaman who was hung was a native of London, and had not been two days in our country, a deserter from a friendly ship claiming the rights of hospitality, before he was knowingly entered on board the Chesapeake?—Why suppress the fact that the *other two* seamen, *born slaves*, instead of *citizens*, deserted from an American ship, Capt. Crafts, whose affidavit the Government possess, and voluntarily entered into the British service? This gross attempt to renew old misrepresentations, though it does not surprise us, ought to make the people extremely cautious of receiving the declarations of men who are capable of making them.

A second instance I would cite of this spirit of misrepresentation evident in Mr. Smith's letter, is the reason he assigns for not considering the apology sent by Mr. Jackson to him sufficient—An apology in which the British minister declares that he had no intention of injuring the feelings of the American Government—Mr. Smith says that this could not be considered as an apology, because Mr. Jackson "*had before demanded his passports.*" Every man knows that the demand of passports by a minister puts an end to all negotiation; but the passports here intended are passports to *quit* the country, and such it was intended the *people* should consider Mr. Jackson's demand—But in truth, he only demanded a safeconduct, a protection against *violence*, and *even this* is objected to him as a crime—Was he in *no danger*? Who will answer for this? Will those who *excited the people* against him respond? Will the patrons of the Intelligencer, who are the officers of our Government say, there was no danger? Did they not entreat, did they not even threaten the people with the mild penalties of the law if they should give way to their "natural indignation, and *insult* Mr. Jackson's person?" There is another instance of misrepresentation in this part of Mr. Smith's letter to Mr. Pinkney; he chooses to consider Mr. Jackson as having complained against the American presses—This was a mere man of straw which Mr. Smith erected in order to shew the people how dexterously he could demolish him—Mr. Jackson did not complain of the licentious abuse of the press, but he adduced that abuse as a reason why his person might not be safe, and *it was a good one.*

## NOTE II.

SINCE the publication of the foregoing essays, the despatches from our minister in London, Mr. Pinkney, relative to the agreement with Mr. Erskine, have been called for and published—These confirm in *every point* the remarks which we had before made on this subject—It appears by these publications that the proposals made through Mr. Erskine were the result of what Mr. Canning understood to be the propositions of *his own* government. That these propositions, before they were sent were stated to Mr. Pinkney, and that *that minister* so far from giving Mr. Canning reason to believe that they would not be acceptable, from his own letters it appears he rather favoured the *same opinions*—One point is clearly established, and supports Mr. Erskine's statement in his explanatory letter, that Mr. Madison had declared that our Government "*would take side with Great Britain if she should repeal her orders in council and France should refuse to repeal her decrees*"—This Mr. Erskine also explicitly states.—Mr. Canning put the smallest and narrowest possible construction upon this declaration, that it only extended to our enforcing our Non-Intercourse with France.

One other important point is apparent from this newly published correspondence from our own minister in London.—That our Government were informed, prior to the arrival of Mr. Jackson, that neither the article respecting the colonial trade, nor that respecting the permission of the British navy to enforce our laws, would be insisted upon. That the agreement with Mr. Erskine was not rejected on either of

these grounds—but that the *only* point of importance was the failure of any stipulation to keep in force our Non-Intercourse with France.

That it was perceived, when Mr. Erskine's agreement was rejected, that our law interdicting the intercourse with France was to expire in June, and there was no stipulation that it should be renewed—It seems then the *only* objection to that agreement was the neglect on our part to stipulate that we would enforce our Non-Intercourse with France, and that the two other articles of the conditions prescribed to Mr. Erskine were withdrawn.

What then can we say not only to the honor but the honesty of a Cabinet who were in possession of these positive declarations of the British minister long before Mr. Jackson's arrival, and would still persist that Great Britain *still insisted* on these offensive conditions which they had withdrawn before Mr. Jackson's mission, and which Mr. Jackson as positively disclaimed having any authority to urge? As to the *only condition*, on which they insisted, that we should resist the French decrees, it was the same which Mr. Jefferson says he explicitly authorized Mr. Pinkney to agree to, and which is perfectly reasonable in itself.

### NOTE III.

IN Number VII. of our remarks we demonstrated the distinction between the conduct of President Washington in the case of Genet, and the unjustifiable proceedings of Mr. Madison in relation to Mr. Jackson—and we stated that it would appear that the *same* party who were now so ready to dismiss the British Minister, at that time, upheld the insolent Minister of France, and denied the *power of the President* to dismiss a Foreign Minister.

That this subject may be fully understood, I shall compare the cases of the conduct of *French Ministers*, the forbearance of former administrations, the defence of these Ministers by Mr. Madison's friends, with the pretended insult of Mr. Jackson, and the high meted sensibility of the present Administration—

In a case of a French privateer which the Government ordered to be stopped, Mr. Genet declared he would "*appeal* from the President to the people for their direct interference." This was certified by the Chief Justice of the United States, and one of our senators—These high officers of our own country were abused and vilified, and Mr. Genet, a foreign Minister, was declared by Mr. Madison's political friends to be more deserving of credit. The French Minister then addressed a letter to the *President* which was instantly published in the publick papers, by Genet himself, dated August 13, 1793, from which I make the following extract.

"To you alone have I declared that the *Federal Government*, far from manifesting any regard for our generous conduct toward this country, for the advantages which we were offering to her commerce, *were sacrificing* our interests to those of our enemies. To *you* have I represented that this conduct (of the American Government) did not appear to correspond with the *views of the People*."

Here was a direct appeal to the people, and an impudent distinction set up between the views of *that people* and of their rulers. But Mr. Madison's friends in the Chronicle of the same day thus excuse and justify this conduct; "every publick minister is entitled to decency and respect while he pursues a line of conduct consistent with the duties of his office—whether the Minister of France has experienced this generosity, let the publications decide," and alluding to this offensive letter it is added, "What proceeding could have been more *frank and proper* than for him (Mr. Genet) to apply to the President, whom he is said to have insulted, for a vindication of his conduct? The address of Mr. Genet, while it bespeaks the *frankness* of a Republican, carries in it a *decency* as it respects the honour and dignity of the Government of the United States."—Again speaking of the same act, "was it extraordinary that a minister of a foreign country should conduct himself *warmly* on such an occasion? But if Genet did say that he would appeal from the *President to the People*, what is there so *criminal* in it? The people would not suddenly *destroy* the President or injure his *official dignity*." See Chronicle Dec. 18, 1793.

This was the language of all Mr. Madison's party upon the occasion of Mr. Genet's outrageous insults, palpable, gross and unquestionable insults to Gen. Washington—These are the men who now call upon us to whet our resentments to the keenest edge against Mr. Jackson for pretended insinuations which no man can discover—These are the men who with *affected delicacy* after inflaming our passions urge us not to become *Cannibals*, and not to feast ourselves on the mangled limbs of the offending minister—



During the same tempestuous period, tempestuous because such men as Mr. Jefferson and Mr. Madison had, "a language official and language confidential," because such kind of men openly or covertly joined the banners of a foreign minister against our own government. Antoine Charbonet Duplaine, Consul of France at Boston, entered with a military force a vessel within our waters, and with like force retained the possession of her against Samuel Bradford, Esq. then acting under the authority of the United States.

For this illegal act the exequatur of this *Inferior* Officer, Mr. Duplaine was revoked—Genet denied the President's power to revoke it, and addressed a letter to our *Executive* through the news paper which was then published under Mr. Jefferson's patronage, declaring that he had examined the Constitution of the United States, and that he was satisfied that the President was vested with *no such authority*—One cannot credit the evidence of the records of these times, that a foreign minister should have had the impudence to question the powers of our *own* Chief Magistrate under our *own* Constitution—But this extraordinary fact can not only be proved, but a number of *able writers*, some of whom I dare say Mr. Madison well knows, appeared in support of the French Minister, and either suggesting the idea to him, or borrowing it from him, contended *throughout all the democratic* presses that the President had no power to dismiss even a consul, much less a *publick minister*—We would here just enquire of Mr. Civilian Smith, whether any amendment has been made in this *part of our Constitution*?

#### NOTE IV.

WE suggested in the foregoing strictures that Mr. Erskine was induced by our administration to withdraw his *preliminary conditions* under the *erroneous impression* made upon his mind by our minister, that it was not in Mr. *Madison's power* by the constitution to make any agreement which should bind Congress.

This construction was not only foolish but contrary to *past* interpretation—If it were true, it would follow that the treaty making power is vested in *both houses* instead of the president and senate—Foreign nations never could safely treat with us—this might suit a shuffling administration, but the honor and interests of the nation would be sacrificed—Every one knows that in the case of Jay's treaty the contrary doctrine was settled, and Mr. Jefferson was guilty of perfidy in this offer which he declares he made to Great Britain in the summer of 1809, "that if Great Britain would repeal her orders in council and France should refuse to repeal hers, we would continue to resist France" if he supposed he had *no right* to bind Congress—In short can any honest man doubt that the President and senate have a right to make and ratify a treaty by which a stipulation should be made which would require the concurrence of both branches to carry it into execution?—

We are now authorized from a source, the correctness of which the administration will not dispute, to state, "that Mr. Erskine was persuaded not to insist on the *preliminary conditions* from what we consider a mistaken view of Mr. Madison's authority—but that he was led to believe that the only objection on this head was to the delivery of a *FORMAL* note agreeing to those preliminaries—that his agreement was however *provisional* and was founded on an *expectation*, and *understanding* of what the course of measures Congress would pursue, would be."

"That although he thought that it would be impossible for Mr. Madison to stipulate as a preliminary condition, that the United States would place themselves in actual hostility with such powers as might execute decrees in violation of neutral rights, yet Mr. Erskine has declared in writing that he had the most *POSITIVE* reasons for believing that such consequences would follow."

It is added by Mr. Erskine, "that his government had an undoubted right to *disavow* his agreement, and had done every thing which became an honourable Nation to prevent any evil consequences to the Citizens of this country."

How far *these hopes and expectations* have been realized, the expectation which Mr. Erskine before stated to Mr. Canning that we would take side with Great-Britain—that we would proceed to hostility against France, let the records of the June session of Congress decide—At that session it was *not known* that Mr. Erskine's arrangements had been disavowed, and we have there a good sample of Mr. Madison's notions of good faith.

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